

Volume 26, Number 21
Pages 2069–2210
November 1, 2001



Matt Blunt
Secretary of State

MISSOURI REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

MAT T BLUNT

Administrative Rules Division

James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

DIRECTOR

LYNNE C. ANGLE

•

ADMINISTRATIVE STAFF

SANDY SANDERS

KIM MOSELEY

•

EDITORS

BARBARA McDOUGAL

JAMES McCLURE

•

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

•

PUBLISHING STAFF

WILBUR HIGHBARGER

CARLA HERTZING

JOHN STEGMANN

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER
Office of the Secretary of State
Administrative Rules Division
PO Box 1767
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://mosl.sos.state.mo.us/moreg/moreg.htm> and the CSR is <http://mosl.sos.state.mo.us/csr/csr.htm>. These web sites contain rulemakings and regulations as they appear in the Registers and CSR. These web sites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo 2000. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sosmail.state.mo.us.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

FROM THIS ANGLE2073

PROPOSED RULES

Department of Conservation	
Conservation Commission	2075
Department of Economic Development	
Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	2075
Endowed Care Cemeteries	2088
Missouri Real Estate Commission	2100
Department of Elementary and Secondary Education	
Division of School Improvement	2103
Vocational and Adult Education	2103
Department of Public Safety	
Missouri Gaming Commission	2106
Division of Liquor Control	2107
Department of Revenue	
Director of Revenue	2113
Department of Social Services	
Division of Medical Services	2122
Department of Health and Senior Services	
Office of the Director	2122
Department of Insurance	
Property and Casualty	2136

ORDERS OF RULEMAKING

Department of Conservation	
Conservation Commission	2158
Department of Economic Development	
Public Service Commission	2159

Department of Natural Resources

Air Conservation Commission	2160
Division of Geology and Land Survey	2173

Department of Public Safety

Missouri Gaming Commission	2179
--------------------------------------	------

Department of Revenue

Director of Revenue	2179
-------------------------------	------

Retirement Systems

The Public School Retirement System of Missouri	2180
---	------

IN ADDITIONS

Department of Economic Development

Division of Credit Unions	2181
Division of Motor Carrier and Railroad Safety	2181

Department of Public Safety

Missouri Gaming Commission	2184
--------------------------------------	------

Department of Social Services

Division of Aging	2184
Division of Medical Services	2186

Department of Health and Senior Services

Missouri Health Facilities Review Committee	2187
---	------

BID OPENINGS

Office of Administration

Division of Purchasing	2188
----------------------------------	------

RULE CHANGES SINCE UPDATE2189

EMERGENCY RULES IN EFFECT2199

REGISTER INDEX2200

Register Filing Deadlines

Aug. 1, 2001
Aug. 15, 2001

Aug. 31, 2001
Sept. 14, 2001

Oct. 2, 2001
Oct. 16, 2001

Nov. 1, 2001
Nov. 15, 2001

December 3, 2001
December 17, 2001

January 2, 2002
January 16, 2002

February 1, 2002
February 15, 2002

March 1, 2002
March 15, 2002

April 1, 2002
April 15, 2002

Register Publication

Sept. 4, 2001
Sept. 17, 2001

Oct. 1, 2001
Oct. 15, 2001

Nov. 1, 2001
Nov. 15, 2001

Dec. 3, 2001
Dec. 17, 2001

January 2, 2002
January 16, 2002

February 1, 2002
February 15, 2002

March 1, 2002
March 15, 2002

April 1, 2002
April 15, 2002

May 1, 2002
May 15, 2002

Code Publication

Sept. 30, 2001
Sept. 30, 2001

Oct. 31, 2001
Oct. 31, 2001

Nov. 30, 2001
Nov. 30, 2001

Dec. 31, 2001
Dec. 31, 2001

January 29, 2002
January 29, 2002

February 28, 2002
February 28, 2002

March 31, 2002
March 31, 2002

April 30, 2002
April 30, 2002

May 31, 2002
May 31, 2002

Code Effective

Oct. 30, 2001
Oct. 30, 2001

Nov. 30, 2001
Nov. 30, 2001

Dec. 30, 2001
Dec. 30, 2001

Jan. 30, 2002
Jan. 30, 2002

February 28, 2002
February 28, 2002

March 30, 2002
March 30, 2002

April 30, 2002
April 30, 2002

May 30, 2002
May 30, 2002

June 30, 2002
June 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	River Bluffs Regional Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6292
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2756	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948	Kinderhook Regional Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri Southern State College Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9770	ESTEP Library Southwest Baptist University 1601 S. Springfield Street Bolivar, MO 65613-2597 (417) 326-5281
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	Charles F. Curry Library William Jewell College 500 College Hill Liberty, MO 64068-1896 (816) 781-7700	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3075	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6484	Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3400	Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733	West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083	Springfield-Greene County Library PO Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (314) 978-7997	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-1281	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416			

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.



FROM THIS ANGLE....

New manual — do you have your copy?

As you know, our new rulemaking manual, *Rulemaking 1-2-3, Missouri Style*, was presented on Thursday, October 11, 2001, at 2:00 p.m. in the Interpretive Center here at the Kirkpatrick State Information Center. If you were unable to attend or did not receive a manual, please call our office at 751-4015, or send us an e-mail at rules@sosmail.state.mo.us to request your copy. At this time, unfortunately, we must maintain strict control of the distribution of the same, due to the cost of producing the manuals and because we were only able to produce a limited quantity. If your agency received a copy, please share the same within your agency. If your agency did not receive a copy, please advise us. You may drop by our office and pick up your copy; or we can forward the same via interagency mail.

Remember, we want to hear from you!!

Please remember that we want to hear your suggestions, comments, tips, hints, critiques, and, yes, *even* complaints regarding the new rulemaking manual. We want to hear from you so we can know if we are doing our job!

Rulemaking Classes

After you receive your new rulemaking manual, if your agency still feels a need for rulemaking classes, please contact us and we will arrange to teach *Rulemaking 1-2-3, Missouri Style* to your group either at your agency or ours.

We have already scheduled some classes and are willing to schedule more, if you feel you need this service.

Some agencies have indicated they feel the new manual is sufficient and they will not need classes. Please let us know if we can assist you in this regard.

Forms, transmittal sheets, etc.

You will note a "forms" section in the new rulemaking manual. In this section of the manual, we have provided examples of the preferred format for forms, transmittal sheets, etc. These are in the manual for your use and your convenience. If it is easier for you to have us e-mail these to you, please let us know and we are pleased to provide this service.

Please contact this division if we may assist you with your rulemakings — at whatever stage they may be. It is our pleasure to serve you, our customers.

A handwritten signature in cursive script, appearing to read "Lynne C. Angle".

Lynne C. Angle,
Director, Administrative Rules Division

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.405 General Provisions. The department proposes to amend sections (2) and (4).

PURPOSE: This amendment modifies the reciprocal fishing privileges of persons licensed by the state of Tennessee.

(2) Permits Required.

(B) Any person possessing a valid sport fishing license issued by the state of Kentucky, *[Tennessee,]* Arkansas or Kansas, or who

is legally exempted from those license requirements, without further permit or license, may fish in the flowing portions of the Mississippi, St. Francis or Missouri rivers within the boundary of Missouri adjacent to the state where that person is licensed.

(C) Any person possessing a valid sport fishing license issued by the state of Illinois, **Tennessee** or Nebraska, or who is legally exempted from those license requirements, without further permit or license, may fish in the Mississippi and Missouri rivers and their backwaters within the boundary of Missouri adjacent to the state where that person is licensed. These persons may also fish in the Missouri portion of any oxbow lakes through which the state boundary passes.

(4) Reciprocal Privileges: Mississippi, Missouri and St. Francis Rivers.

(B) Regulations of the state where the person is licensed shall apply in Arkansas *[and Tennessee]* boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky, **Tennessee**, Nebraska and Kansas boundary waters. Persons licensed in Illinois, **Tennessee** and Nebraska, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

(D) Persons licensed in Arkansas, Kansas~~[,]~~ or Kentucky *[or Tennessee]* may not fish from or attach any device or equipment to land under the jurisdiction of Missouri.

(E) Persons licensed in Illinois, **Tennessee** or Nebraska may fish from or attach devices or equipment to land under the jurisdiction of Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land
Surveyors
Chapter 3—Seals**

PROPOSED AMENDMENT

4 CSR 30-3.020 [Registrant's] Seal—Architect. The board is proposing to amend the title of the rule, the original purpose statement and section (1), add new language in section (2), renumber the remaining sections accordingly and amend the newly renumbered sections (3) through (6).

PURPOSE: This rule is being amended to change the words "reg-ister," "registered," and "registrant" to "license," "licensed," and

“licensee” to be consistent with Chapter 327, RSMo. It is also being amended to clarify when revisions are made to a set of plans, drawings, specifications, estimates, reports and other documents, the licensee responsible for the revisions is to sign, seal and date each sheet and provide an explanation of the revisions. Furthermore, it clarifies that plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated unless clearly designated preliminary or incomplete.

PURPOSE: *This rule describes the format for personal seal of an [registered] architect.*

(1) Each [registered] architect [engineer] **licensed prior to January 1, 2002**, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal and **either Registered Architect or Architect** on the lower part and within the inner circle shall appear the name of the [registrant] licensee, together with his/her [register] license number preceded by the Roman capital letter A.

(2) Each architect licensed on or after January 1, 2002, at his/her own expense, shall secure a seal one and three-quarter inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal, and **Architect** on the lower part and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the Roman capital letter A.

[(2)] (3) Rubber stamps, identical in size, design and content with the approved seals may be used by the [registrant] licensee at his/her option.

[(3)] (4) In addition to the personal seal or rubber stamp, the [registered] architect shall also affix his/her signature on and through his/her seal, and place the original date under the seal, at the minimum, to the original of each sheet in a set of plans, drawings, specifications, estimates, reports and other documents which were prepared by the architect or under the architect's immediate personal supervision.

(A) When revisions are made, the [registered] architect who made the revisions or under whose immediate personal supervision the revisions were made shall *[place his/her signature on the same line next to the revision date and give an explanation of the revisions]* **sign, seal and date each sheet and provide an explanation of the revisions.**

(B) On multiple page specifications, estimates, reports and other documents or instruments, not considered to be plans, the [registered] architect, when more than one (1) sheet is bound together in one (1) volume, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume. Provided further that any of the other sheets which were prepared by, or under the immediate personal supervision of another [registered] architect be signed, sealed and dated as provided for, by the other [registered] architect and any additions, deletions or other revisions shall not be made unless signed, sealed and dated by the [registered] architect who made the revisions or under whose immediate personal supervision the revisions were made.

[(4)] (5) Plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated **unless clearly designated preliminary or incomplete.** If the plan

is not completed, the phrase “Preliminary—not for construction” or similar language or phrase shall be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It shall be a disclaimer and notice to others that the plans are not complete. When the plan is completed, the phrase “Preliminary—not [“] for construction” or other disclaimer should be removed or crossed-out and the seal holder shall sign the cancellation of the disclaimer as a revision to the plan.

[(5)] (6) In the instance of one (1) [registrant] licensee performing design for other [registrants] licensees to incorporate into his/her documents, each [registrant] licensee shall seal, date and sign those documents, using the appropriate disclaimer for clarification of each [registrant's] licensee's responsibility.

[(6)] (7) The signing and sealing of plans, specifications, reports and other documents or instruments not prepared by the architect or under his/her immediate personal supervision is prohibited.

AUTHORITY: *section 327.041 as amended by HB 567 (2001) and 327.411, RSMo [Supp. 1989] 2000. Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed April 16, 1986, effective June 28, 1986. Amended: Filed Nov. 1, 1990, effective April 29, 1991. Amended: Filed Oct. 1, 2001.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter 3—Seals

PROPOSED AMENDMENT

4 CSR 30-3.030 [Registrant's] Seal—Professional Engineer. The board is proposing to amend the title of the rule, the original purpose statement and section (1), add new language in section (2), renumber the remaining sections accordingly and amend the newly renumbered sections (3) through (6).

PURPOSE: *This rule is being amended to change the words “register,” “registered,” and “registrant” to “license,” “licensed,” and “licensee” to be consistent with Chapter 327, RSMo. It is also being amended to clarify when revisions are made to a set of plans, drawings, specifications, estimates, reports and other documents the licensee responsible for the revisions is to sign, seal and date each sheet and provide an explanation of the revisions. Furthermore, it clarifies that plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated unless clearly designated preliminary or incomplete.*

PURPOSE: This rule describes the format for personal seal of a [registered] professional engineer.

(1) Each [registered] professional engineer **licensed prior to January 1, 2002**, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal and **either Registered Professional Engineer or Professional Engineer** on the lower part and within the inner circle shall appear the name of the [registrant] licensee, together with his/her [register] license number preceded by the Roman capital letter E or letters PE.

(2) Each professional engineer **licensed on or after January 1, 2002**, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal, and **Professional Engineer** on the lower part and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the Roman capital letters PE.

[(2)] (3) Rubber stamps, identical in size, design and content with the approved seals may be used by the [registrant] licensee at his/her option.

[(3)] (4) In addition to the personal seal or rubber stamp, the [registered] professional engineer shall also affix his/her signature on or through his/her seal and place the original date under the seal, at the minimum, to the original of each sheet in a set of plans, drawings, specifications, estimates, reports and other documents which were prepared by the professional engineer or under the professional engineer's immediate personal supervision.

(A) When revisions are made, the [registered] professional engineer who made the revisions or under whose immediate personal supervision the revisions were made shall [place his/her signature on the same line next to the revision date and give an explanation of the revisions] **sign, seal and date each sheet and provide an explanation of the revisions.**

(B) On multiple page specifications, estimates, reports, and other documents or instruments not considered to be plans, the [registered] professional engineer, when more than one (1) sheet is bound together in one (1) volume, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume. Provided further that any of the other sheets which were prepared by, or under the immediate personal supervision of another [registered] professional engineer be signed, sealed and dated as provided for, by the other [registered] professional engineer and any additions, deletions or other revision shall not be made unless signed, sealed and dated by the [registered] professional engineer who made the revisions or under whose immediate personal supervision the revisions were made.

[(4)] (5) Plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated **unless clearly designated preliminary or incomplete.** If the plan is not completed, the phrase, "Preliminary—not for construction" or similar language or phrase shall be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It shall be a disclaimer and notice to others that the plans are not complete. When the plan is completed, the phrase "Preliminary—not for construction" or other disclaimer should be removed or crossed-out and the seal holder shall sign the cancellation of the disclaimer as a revision to the plan.

[(5)] (6) In the instance of one (1) [registrant] licensee performing design for other [registrants] licensees to incorporate into his/her documents, each [registrant] licensee shall seal, date and sign those documents, using the appropriate disclaimer for clarification of each [registrant's] licensee's responsibility.

[(6)] (7) The signing and sealing of plans, specifications, estimates, reports and other documents or instruments not prepared by the professional engineer or under his/her immediate personal supervision is prohibited.

AUTHORITY: section 327.041, as amended by HB 567 (2001) and 327.411, RSMo [Supp. 1989] 2000. Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed April 16, 1986, effective June 28, 1986. Amended: Filed Nov. 1, 1990, effective April 29, 1991. Amended: Filed Oct. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land
Surveyors
Chapter 3—Seals**

PROPOSED AMENDMENT

4 CSR 30-3.040 [Registrant's] Seal—Professional Land Surveyor. The board is proposing to amend the title of the rule, the original purpose statement and section (1), add a new section (2), renumber the remaining sections accordingly, and amend the newly numbered sections (3) and (6).

PURPOSE: This rule is being amended to change the words "register," "registered," and "registrant" to "license," "licensed," and "licensee" to be consistent with Chapter 327, RSMo. It is also being amended to clarify when revisions are made to a set of plans, drawings, specifications, estimates, reports and other documents the licensee responsible for the revisions is to sign, seal and date each sheet and provide an explanation of the revisions. Furthermore, it clarifies that plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated unless clearly designated preliminary or incomplete.

PURPOSE: This rule describes the format for personal seal of a [registered] licensed professional land surveyor.

(1) Each [registered] professional land surveyor **licensed prior to January 1, 2002**, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of

Missouri on the upper part of the seal, and **either Registered Land Surveyor or Professional Land Surveyor** on the lower part and within the inner circle shall appear the name of the *[registrant]* **licensee**, together with his/her *[register]* **license** number preceded by the Roman capital letters **LS or PLS**.

(2) Each professional land surveyor licensed on or after January 1, 2002, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal and Professional Land Surveyor on the lower part and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the Roman capital letters **PLS**.

[(2)] (3) Rubber stamps, identical in size, design and content with the approved seals may be used by the *[registrant]* **licensee** at his/her option.

[(3)] (4) In addition to the personal seal or rubber stamp, the *[registered]* **professional** land surveyor shall also affix his/her signature on and through his/her seal, and place the original date under the seal, at a minimum, to the original of each sheet in a set of plats, surveys, drawings, specifications, estimates, reports and other documents or instruments which were prepared by the **professional** land surveyor or under the **professional** land surveyor's immediate personal supervision.

(A) When revisions are made, the *[registered]* **professional** land surveyor, who made the revisions or under whose immediate personal supervision the revisions were made, shall *[place his/her signature on the same line next to the revision date and give the explanation of the revisions]* **sign, seal and date each sheet and provide an explanation of the revisions**.

(B) On multiple page specifications, estimates, reports and other documents or instruments, not considered to be plans, the *[registered]* **professional** land surveyor, when more than one (1) sheet is bound together in one (1) volume, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume. Provided further that any of the other sheets which were prepared by, or under the immediate personal supervision of another *[registered]* **professional** land surveyor be signed, sealed and dated as provided for, by the other *[registered]* **professional** land surveyor and any additions, deletions or other revisions shall not be made unless signed, sealed and dated by the *[registered]* **professional** land surveyor who made the revisions or under whose immediate personal supervision the revisions were made.

[(4)] (5) Plans, when submitted for the review of others such as clients or permit authorities, shall be signed, sealed and dated **unless clearly designated preliminary or incomplete**. If the plan is not completed, the phrase, "Preliminary—not for construction" or similar language or phrase shall be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It shall be a disclaimer and notice to others that the plans are not complete. When the plan is completed, the phrase "Preliminary—not for construction" or other disclaimer should be removed or crossed-out and the seal holder shall sign the cancellation of the disclaimer as a revision to the plan.

[(5)] (6) The signing and sealing of plats, surveys, drawings, documents, specifications, estimates, reports and other documents or instruments not prepared by the *[registered]* **professional** land surveyor or under his/her immediate personal supervision is prohibited.

AUTHORITY: sections 327.041 as amended by HB 567 (2001) and 327.411, RSMo [Supp. 1989] 2000. Original rule filed March

16, 1970, effective April 16, 1970. Amended: Filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed April 16, 1986, effective June 28, 1986. Amended: Filed Nov. 1, 1990, effective April 29, 1991. Amended: Filed Oct. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers and Land Surveyors Chapter 4—Applications

PROPOSED RESCISSION

4 CSR 30-4.080 Evaluation—Comity Applications—Land Surveyors. This rule insured that applicants for registration as land surveyors met the minimum requirements for initial registration in Missouri.

PURPOSE: This rule is being rescinded and readopted to outline the conditions under which the board will require a professional land surveying applicant under 327.381, RSMo to take and pass an examination(s) as a prerequisite to licensure.

AUTHORITY: section 327.041, RSMo 1986. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 27, 1987, effective April 26, 1987. Rescinded: Filed Oct. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors Chapter 4—Applications

PROPOSED RULE

4 CSR 30-4.080 Evaluation—Comity Applications—Land Surveyors

PURPOSE: *This rule outlines conditions under which the board will require a professional land surveying applicant under section 327.381, RSMo to take and pass an examination(s) as a prerequisite to licensure.*

(1) Any person applying for licensure as a professional land surveyor under section 327.381, RSMo, who was licensed on or after October 1992 in another state, territory or possession of the United States or in another country without being required to pass the National Council of Examiners in Engineering and Surveying (NCEES) examinations, that is, the Fundamentals of Land Surveying Examination and the Principles and Practice of Land Surveying Examination; will be required to pass the NCEES Fundamentals of Land Surveying Examination, except that if such person has been actively engaged in the practice of land surveying for a period of at least fifteen (15) years prior to the filing of his/her application for comity and has taken at least an eight (8) hour examination in the Fundamentals of Land Surveying, the requirement for taking the NCEES Fundamentals of Land Surveying Examination will be waived.

(2) Any person applying for licensure as a professional land surveyor under section 327.381, RSMo, who was licensed prior to October 1992 in another state, territory or possession of the United States or in another country without being required to pass the NCEES Fundamentals of Land Surveying Examination, will be required to pass the NCEES Fundamentals of Land Surveying Examination; except that if such person has been actively engaged in the practice of land surveying for a period of at least fifteen (15) years prior to the filing of his/her application for comity and has taken at least an eight (8) hour examination in the Fundamentals of Land Surveying, which is equivalent to that of the NCEES, the requirement for taking the NCEES Fundamentals of Land Surveying Examination will be waived.

(3) Any person applying for licensure as a professional land surveyor under section 327.381, RSMo, who was licensed prior to October 1992 in another state, territory or possession of the United States or in another country without being required to pass the NCEES Principles and Practice of Land Surveying Examination, will be required to pass the NCEES Principles and Practice of Land Surveying Examination; except that if such person has been actively engaged in the practice of land surveying for a period of at least fifteen (15) years prior to the filing of his/her application for comity and has taken at least an eight (8) hour examination in the Principles and Practice of Land Surveying, which is equivalent to that of the NCEES, the requirement for taking the NCEES Principles and Practice of Land Surveying Examination will be waived.

(4) Any person applying for licensure as a professional land surveyor under section 327.381, RSMo, shall be required to take and pass the written Missouri Specific Examination covering Missouri surveying practice and Missouri statutes and rules relating to the practice of land surveying.

(5) When a comity applicant is required to take one or both of the NCEES examinations as well as the written Missouri Specific Examination, the applicant may take the examinations on consecutive testing dates, provided however, the applicant will not be licensed by comity until he or she passes all of the examinations required of the applicant.

AUTHORITY: *sections 327.041 and 327.381 as amended by HB 567 (2001). Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 27, 1987, effective April 26, 1987. Rescinded and readopted: Filed Oct. 1, 2001.*

PUBLIC COST: *This proposed rule is estimated to cost state agencies and political subdivisions an estimated one hundred forty-six dollars and thirty-four cents (\$146.34) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

PRIVATE COST: *This proposed rule is estimated to cost private entities an increase of nine hundred dollars (\$900) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 4 - Applications

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-4.080 Evaluation - Comity Applications - Land Surveyors.

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers and Professional Land Surveyors (Land Surveyor Missouri Specific Examination)	\$146.34

**Total annual cost
for the life of the rule \$146.34**

III. WORKSHEET

The board estimates that 9 individuals will apply for licensure annually. The following is a breakdown of the expense and equipment costs associated with printing and mailing the applications to applicants.

CLASSIFICATION	FEE AMOUNT	NUMBER OF APPLICANTS	TOTAL ANNUAL COST
Application Packet Printing Cost	\$8.10	9	\$72.90
Envelope for Mailing Application	\$.80	9	\$7.20
Postage for Mailing Application	\$3.20	9	\$28.80
License Printing Cost	\$.15	9	\$1.35
Envelope for Mailing License	\$.16	9	\$1.44
Postage for Mailing License	\$.34	9	\$3.06

**Total expense and equipment costs associated with printing and
mailing the applications for licensure to applicants: \$114.75**

Applications are processed by the Licensing Technician II who reviews the initial application for licensure and updates the information contained on the application to the computerized licensing system. The Executive Director reviews any questions or problems on the application and addresses those problems with necessary action such as correspondence or telephone calls. Three members of the Land Surveying Division of the board review all applications received. Members of the board receive per diem for this review, however, because the 9 applications are received at various times throughout the year and other applications/documents may be included in the board member's packet of review, per diem costs were not calculated in this fiscal note.

The figures below represent the personal service costs paid by the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors for the initial licensure process.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL BIENNIAL COST
Executive Director	\$50,172	\$66,894	\$32.16	\$.54	3 minutes	\$1.62	\$14.58
Licensure Technician II	\$24,492	\$32,655	\$15.70	\$.27	7 minutes	\$1.89	\$17.01

**Total personal service costs associated with printing and
mailing the applications for licensure to applicants: \$31.59**

IV. ASSUMPTIONS

- The number of applicants by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 4 – Applications

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-4.080 Evaluation – Comity Applications – Land Surveyors

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
9	Applicants (Missouri Specific Examination - \$100.00)	\$900.00
Total annual cost for the life of the rule		\$900.00

III. WORKSHEET

See above Table

IV. ASSUMPTIONS

- Fees for the National Council of Examiners for Engineering and Surveying (NCEES) examinations were not calculated into this fiscal note since the majority of applicants have already passed this examination in order to obtain licensure in another state.
- The number of applicants by class are based on actual figures from FY00 and projected figures in FY01.
- It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Land Surveyors
Chapter 5—Examinations**

PROPOSED RESCISSION

4 CSR 30-5.120 Scope of Examination—Land Surveyors. This rule prescribed hours and subject matter of land surveying examinations.

PURPOSE: This rule is being rescinded and readopted to establish the examinations that are required of a person applying for enrollment as a land surveyor-in-training under section 327.312, RSMo and for a person applying for licensure as a professional land surveyor.

AUTHORITY: section 327.041, RSMo 1986. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Amended: Filed Jan. 27, 1987, effective April 26, 1987. Amended: Filed July 20, 1987, effective Oct. 25, 1987. Rescinded: Filed Oct. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land Surveyors
Chapter 5—Examinations**

PROPOSED RULE

4 CSR 30-5.120 Scope of Examination—Land Surveyor-in-Training and Professional Land Surveyors

PURPOSE: This rule establishes the examinations that are required of a person applying for enrollment as a land surveyor-in-training under section 327.312, RSMo, and for a person applying for licensure as a professional land surveyor.

(1) The examination for enrollment as a land surveyor-in-training shall be the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.

(2) The examinations for licensure as a professional land surveyor shall be the NCEES Principles and Practice of Land Surveying and the Missouri Specific Examination covering Missouri surveying practice and Missouri statutes and rules relating to the practice of land surveying. These two (2) examinations are independent of each other and shall be graded separately. A passing score must be obtained on each examination before licensure will be granted.

AUTHORITY: sections 327.041 and 327.314, as amended by HB 567 (2001) and 327.312, RSMo 2000. Original rule filed Dec. 8, 1981, effective March 11, 1982. For intervening history, please consult the **Code of State Regulations**. Rescinded and readopted: Filed Oct. 1, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Land Surveyors
Chapter 5—Examinations**

PROPOSED RESCISSION

4 CSR 30-5.130 Reexamination—Land Surveyors. This rule set forth the policy for reexamination of the land surveyor examinations.

PURPOSE: This rule is being rescinded and readopted to outline the policy for reexamination of Land Surveyor-in-Training and Professional Land Surveyor applicants who have failed the examination(s).

AUTHORITY: section 327.041, RSMo 1986. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Rescinded: Filed Oct. 1, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Professional Land Surveyors
Chapter 5—Examinations**

PROPOSED RULE

4 CSR 30-5.130 Reexamination—Land Surveyor-in-Training and Professional Land Surveyor

PURPOSE: *This rule outlines the policy for reexamination of land surveyor-in-training and professional land surveyor applicants who fail the examination(s).*

(1) An applicant for enrollment as a land surveyor-in-training failing to make a passing grade on the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination shall have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the following criteria are met:

(A) The applicant applies for reexamination on forms furnished by the board;

(B) The applicant pays the required reexamination fee;

(C) The applicant files his or her application for reexamination on or before the filing deadline established by the board; and

(D) The applicant provides any additional information deemed pertinent by the board.

(2) An applicant for examination and licensure as a professional land surveyor failing to make a passing grade on the NCEES Principles and Practice of Land Surveying Examination shall have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the following criteria are met:

(A) The applicant applies for reexamination on forms furnished by the board;

(B) The applicant pays the required reexamination fee;

(C) The applicant files his or her application for reexamination on or before the filing deadline established by the board; and

(D) The applicant provides any additional information deemed pertinent by the board.

(3) An applicant for examination and licensure as a professional land surveyor failing to make a passing grade on the Missouri Specific Examination shall have unlimited opportunities to retake the examination so long as the applicant remains qualified to be examined on the date of the reexamination and providing the following criteria are met:

(A) The applicant applies for reexamination on forms furnished by the board;

(B) The applicant pays the required reexamination fee;

(C) The applicant files his/her application for reexamination on or before the filing deadline established by the board; and

(D) The applicant provides any additional information deemed pertinent to the board.

AUTHORITY: *sections 327.041 and 327.314 as amended by HB 267 (2001) and 327.312, 327.313, 327.321, 327.331 and 327.341, RSMo 2000. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Rescinded and readopted: Filed Oct. 1, 2001.*

PUBLIC COST: *This proposed rule is estimated to cost state agencies and political subdivisions an estimated two hundred eighty-two dollars and forty-eight cents (\$282.48) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

PRIVATE COST: *This proposed rule is estimated to cost private entities an increase of six thousand four hundred fifty dollars (\$6,450) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note,*

which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 5 - Examinations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-5.130 Reexamination - Land Surveyor-in-Training and Professional Land Surveyor

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers and Professional Land Surveyors (Land Surveyor Reexamination)	\$282.48
Total annual cost for the life of the rule	
	\$282.48

III. WORKSHEET

The office estimates that 33 individuals will apply for reexamination annually. The following is a breakdown of the expense and equipment costs associated with reexamination of the land surveyor applicants.

CLASSIFICATION	FEE AMOUNT	NUMBER OF APPLICANTS	TOTAL ANNUAL COST
Application Printing Cost	\$.15	33	\$4.95
Envelope for Mailing Application	\$.16	33	\$5.28
Postage for Mailing Application	\$.34	33	\$11.22
License Printing Cost	\$.15	33	\$4.95
Envelope for Mailing License	\$.16	33	\$5.28
Postage for Mailing License	\$.34	33	\$11.22
Total expense and equipment costs associated with the reexamination of the land surveyor applicants:			\$42.90

Applications are received by the Clerk Steno IIs who prepares the deposit for the application fee and sets up the record on the computerized licensing systems. The Licensure Technician II processes the application and accompanying documentation and updates the computer record. The Executive Director assists with any applications requiring additional information and preapproves the applications prior to board review. Three members of the Land Surveying Division of the board will review all applications received. Members of the board receive per diem for this review, however, because the 9 applications are received at various times throughout the year and other applications/documents may be included in the board member's packet of review, per diem costs were not calculated in this fiscal note. After board approval the Clerk Steno pulls the previous examination records, schedules the examination and notifies the applicant.

The figures below represent the personal service costs paid by the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors for reexamination process.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$50,172	\$66,894	\$32.16	\$.54	3 minutes	\$1.62	\$53.46
Licensure Technician II	\$24,492	\$32,655	\$15.70	\$.27	7 minutes	\$1.89	\$62.37
Clerk Stenographer II	22,788	\$30,383.24	\$14.61	\$.25	15 minutes	\$3.75	\$123.75

Total personal service costs associated with printing and mailing the applications for initial licensure to applicants: **\$239.58**

IV. ASSUMPTIONS

- The number of applicants by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 4 – Applications

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-5.130 Reexamination - Land Surveyor-in-Training and Professional Land Surveyor

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
33	Applicants for Reexamination (Principle and Practice of Land Surveying Reexamination Fee- \$150)	\$4,950.00
20	Applicants for Reexamination (Missouri Specific Examination - \$75)	\$1,500
Total annual cost for the life of the rule		\$6,450.00

III. WORKSHEET

See above Table

IV. ASSUMPTIONS

- The number of applicants by class are based on actual figures from FY00 and projected figures in FY01.
- It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 65—Endowed Care Cemeteries
Chapter 1—Organization and Description**

PROPOSED AMENDMENT

4 CSR 65-1.060 Fees. The Office of Endowed Care Cemeteries is proposing to add new subsections (1)(B) and (1)(C), reletter the remaining subsections accordingly, amend subsections (1)(D) and (1)(E), add new language in subsections (1)(F) and (1)(G) and amend section (3).

PURPOSE: This amendment establishes fees for original licensure, renewal and reinstatement.

(1) The division establishes the following fees which are nonrefundable:

(B) Original Licensing Fee (Endowed Care Cemetery)	\$ 250.00
(C) Original Licensing Fee (Nonendowed Care Cemetery)	\$100.00
[(B)] (D) Copy of Register Fee (plus \$.25 per page)	\$5.00
[(C)] (E) Insufficient Funds Check Fee Charge	\$25.00
(F) Annual Renewal Fee (Endowed Care Cemetery and Nonendowed Care Cemetery) (plus \$1.00 for each internment, inurnment or other disposition of human remains)	\$50.00
(G) Reinstatement Fee	\$200.00

(3) The provisions of this rule hereby are declared severable. If any fee fixed [fee] by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of the rule shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 214.275, RSMo as amended by HB 567 (2001) and 214.280, 214.283 and 610.026, RSMo [Supp. 1999 and 214.283, RSMo 1994] 2000. Original rule filed April 14, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 28, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions an estimated six dollars and ninety cents (\$6.90) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will cost private entities an estimated four hundred dollars and sixty-eight cents (\$400.68) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Endowed Care Cemeteries, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: Chapter 1 - Registration Requirements

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 65-1.060 Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance	
Office of Endowed Care Cemeteries (reinstatement)	\$6.90	
Total Cost Per Year for the Life of the Rule		\$6.90

III. WORKSHEET

REINSTATEMENT

The office estimates 2 licenses will be reinstated annually. The following is a breakdown of expense and equipment costs associated with reinstating a license.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	2	\$.30
Envelope for Mailing Renewal Application	\$.16	2	\$.32
Envelope for Mailing Renewal Application	\$.16	2	\$.32
Postage for Mailing Renewal Application	\$.34	2	\$.68
License Printing Cost	\$.11	2	\$.22
License Mailing Cost	\$.34	2	\$.68
Total:			\$2.52

Applications are processed by Licensure Technician II who reviews the application along with the accompanying documentation and updates the information contained on the application to the computerized licensing system. The Executive Director reviews the application for final approval and any questions or problems and addresses those problems with necessary action through correspondence or telephone calls.

Staff resources are shared with two other boards. The figures below represent the personal service costs paid by the Office of Endowed Care Cemeteries.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$20,040	\$26,719.33	\$12.85	\$.22	7	\$1.54	\$3.08
Licensure Technician II	\$12,246	\$16,327.59	\$7.85	\$.13	5	\$.65	\$1.30
Total:							\$4.38

The board estimates this renewal process will cost the board approximately \$6.90 annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- Costs associated with original licensure are reported in the fiscal note for board rule 4 CSR 110-2.010 and costs associated with renewing a license are reported in the fiscal note for board rule 4 CSR 110-2.020.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: Chapter 1 - Registration Requirements

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 65-1.060 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
2	Applicant (reinstatement @ \$200)	\$400
2	Applicant (postage @ \$.34)	\$.68
Total annual cost for the life of the rule		\$400.68

III. WORKSHEET

See table above

IV. ASSUMPTIONS

1. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 65—Endowed Care Cemeteries
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 65-2.010 Application for a License

PURPOSE: This rule outlines the procedure for application for a license.

(1) Application for licensure shall be submitted on the form provided by the office. Forms may be obtained by contacting the Office of Endowed Care Cemeteries at 3605 Missouri Boulevard, Jefferson City, MO 65102 or by calling (573) 751-0849. The number for the hearing impaired is (800) 735-2966.

(2) An application is not considered officially filed with the committee until it has been determined by the division that a fully completed application has been submitted to the division. Application forms provided by the division must be completed, signed, notarized and accompanied by adequate documentation, as requested by the division to establish compliance with all state laws, rules and regulations, and county or municipal ordinances and regulations.

(3) An applicant owning or operating an endowed care cemetery shall submit along with the application a notarized verification statement from the trustee verifying that a trust fund has been established as required in section 214.310, RSMo. If the trust fund is set aside in a segregated bank account, a notarized statement from a licensed practicing attorney with escrow powers, including the attorney's Missouri bar number, shall be submitted.

(4) An applicant owning or operating an endowed care cemetery shall submit along with the application a copy of the trust fund agreement for approval by the office or an affidavit from a licensed practicing attorney in this state verifying the agreement is in compliance with sections 214.270 to 214.516, RSMo.

(5) A notarized verification statement from a bonding company or insurance company shall accompany the application verifying that a surety bond has been issued pursuant to section 214.310, RSMo, if required.

(6) Applicants approved for a license will receive one (1) license. Duplicate licenses may be provided upon written request to the division.

(7) An application for a license to operate a cemetery does not constitute an election to operate a cemetery as an endowed care cemetery. If an election pursuant to section 214.280, RSMo has not been made for a cemetery, it must accompany the application for a license.

AUTHORITY: section 214.275, RSMo as amended by HB 567 (2001). Original rule filed Sept. 28, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated forty-one dollars and two cents (\$41.02) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated one thousand six hundred nineteen dollars and eighty-eight cents (\$1,619.88) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Endowed Care Cemeteries Committee, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: Chapter 2 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.010 Application for a License

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance	
Office of Endowed Care Cemeteries (original licenses)	\$41.02	
Total Cost Per Year for the Life of the Rule		\$41.02

III. WORKSHEET

ORIGINAL LICENSE COST

The office estimates 6 original endowed care licenses and 1 nonendowed care license will be issued annually because of change in ownership. The following is a breakdown of expense and equipment costs associated with issuing an original license.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Application Printing Cost	\$.15	7	\$1.05
Envelope for Mailing Application	\$.16	7	\$1.12
Envelope for Mailing Application	\$.16	7	\$1.12
Postage for Mailing Application	\$.34	7	\$2.38
License Printing Cost	\$.11	7	\$.77
License Mailing Cost	\$.34	7	\$2.38
Total:			\$8.82

Applications are processed by Licensure Technician II who reviews the application along with the accompanying documentation and updates the information contained on the application to the computerized licensing system. The Executive Director reviews the application for final approval and any questions or problems and addresses those problems with necessary action through correspondence or telephone calls.

Staff resources are shared with two another boards. The figures below represent the personal service costs paid by Office Endowed Care Cemeteries.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$20,040	\$26,719.33	\$12.85	\$.22	15	\$3.30	\$23.10
Licensure Technician II	\$12,246	\$16,327.59	\$7.85	\$.13	10	\$1.30	\$9.10
Total:							\$32.20

The board estimates this licensure process will cost the board approximately \$41.02 annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: Chapter 2 - General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.010 Application for a License

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
6	Applicants (original endowed care license @ \$250)	\$1,500
1	Applicants (original nonendowed care license @ \$100)	\$100
7	Applicants (notary @ \$2.50)	\$17.50
7	Applicants (postage @ \$.34)	\$2.38

**Total annual cost for
the life of the rule** **\$1,619.88**

III. WORKSHEET

See table above

IV. ASSUMPTIONS

1. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 65—Endowed Care Cemeteries
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 65-2.050 License Renewal

PURPOSE: This rule outlines the process of renewing a license.

(1) All licenses shall be renewed annually and shall expire on August 31.

(A) Each holder of a license to own or operate a cemetery shall provide the division with a completed renewal application issued by the division and the required annual renewal fee. The renewal application shall contain updated information since the preceding application/renewal period.

(B) The division shall mail a renewal application to the last known address of each current holder of a license to own or operate a cemetery prior to the renewal date.

(C) Failure to receive a renewal notice shall not relieve the holder of a license to own or operate a cemetery of the obligation to renew the license and pay the required fee prior to the expiration date of the license.

(D) Deposit of the renewal fee by the division shall not indicate acceptance of the renewal application or that any licensing requirements have been fulfilled.

(E) Renewals shall be postmarked no later than the expiration date of the license, or if the expiration date is a Sunday or a federal holiday, the next day.

(2) The license issued to the owner or operator of a cemetery which is not renewed within three (3) months after the license renewal date shall be suspended automatically. The holder of such a license shall have the right to have the suspended license reinstated within nine (9) months of the date of suspension if the person pays the required reinstatement fee and complies with all other renewal requirements set forth above. A license that is suspended and not reinstated within nine (9) months of the suspension shall expire and be void and the holder of such license shall have no rights or privileges provided to holders of valid licenses. Any person whose license has expired may be re-registered or reauthorized under the original license number upon demonstration of current qualifications and payment of the following required fees: original licensure fee and renewal fees and reinstatement fees for each unpaid renewal period for which the holder of the license owned or operated the cemetery.

(3) Applicants that are approved for renewal will receive one (1) license. Duplicate licenses may be provided upon payment of the appropriate fee pursuant to rules promulgated by the division.

AUTHORITY: sections 214.275.4 and 214.276, RSMo as amended by HB 567 (2001). Original rule filed Sept. 28, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated one thousand seventy-seven dollars and ninety cents (\$1,077.90) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated thirty-three thousand one hundred fifty-five dollars and eight cents (\$33,155.08) annually for the life of the rule. It is anticipated that these annual costs will recur for the life of the

rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Endowed Care Cemeteries, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: 2 - General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.050 License Renewal

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Endowed Care Cemeteries (annual renewal)	\$1,077.90
Total Cost Per Year for the Life of the Rule	
	\$1,077.90

III. WORKSHEET

LICENSE RENEWAL COST

The office estimates 162 licenses will be renewed annually. The following is a breakdown of expense and equipment costs associated with renewing a license.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	162	\$24.30
Envelope for Mailing Renewal Application	\$.16	162	\$25.92
Envelope for Mailing Renewal Application	\$.16	162	\$25.92
Postage for Mailing Renewal Application	\$.34	162	\$55.08
License Printing Cost	\$.11	162	\$17.82
License Mailing Cost	\$.34	162	\$55.08
Total:			\$204.12

Renewal applications are processed by the division central processing unit. Based on figures from boards of similar size, the office estimates transferring \$519 annually to the division for this service.

After the renewals are processed in the central processing unit, the applications are forwarded to the board for review by the Licensure Technician II who reviews the application and updates the information contained on the renewal to the licensing computer system. The Executive Director reviews each cemetery's annual reports of the endowed care fund's operation and reviews any questions or problems on renewals and addresses those problems with necessary action through correspondence or telephone calls.

Staff resources are shared with two other boards. The figures below represent the personal service costs paid by the Office of Endowed Care Cemeteries.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive Director	\$20,040	\$26,719.33	\$12.85	\$.22	7	\$1.54	\$249.48
Licensure Technician II	\$12,246	\$16,327.59	\$7.85	\$.13	5	\$.65	\$105.30
Total:							\$354.78

The board estimates this renewal process will cost the board approximately \$1,077.90 annually for the life of the rule.

IV. ASSUMPTIONS

- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 65 - Endowed Care Cemeteries

Chapter: 2 - General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 65-2.050 License Renewal

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
162	Licensees (renewal @ \$50)	\$8,100
162	Licensees (assessment for each internment, inurnment or other disposition of human remains @ \$1.00 each—estimated 25,000 dispositions annually)	\$25,000
162	Licensees (postage @ \$.34)	\$55.08
Total annual cost for the life of the rule		\$33,155.08

III. WORKSHEET

See table above

IV. ASSUMPTIONS

1. It is not possible to estimate all costs associated with service charges that a licensee could incur for financial institutions managing an endowed care fund.
2. The assessment figures were calculated based on figures received from the Missouri Cemetery Association. The Office of Endowed Care Cemeteries understands that some dispositions will take place in cemeteries that the office does not have jurisdiction over, therefore, the office will not be able to collect a fee.
3. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 5—Fees**

PROPOSED AMENDMENT

4 CSR 250-5.020 Application and License Fees. The commission is proposing to delete existing language in subsections (2)(D) and (3)(E) and add new language in subsections (2)(D), (2)(E), (3)(E) and (3)(F).

PURPOSE: The purpose of this amendment is to bring the regulations in conformity with the recent statutory changes to section 339.090, RSMo as amended in House Bill 567 of the 91st General Assembly.

(2) The following fees shall be paid for original issuance:

(C) Partnership, Association, Corporation
or Professional Corporation \$ 80.00
[and

(D) For each nonresident broker or salesperson license, the fee shall be equal to the fee a Missouri resident would pay for a similar license in the nonresident's state of domicile.]

(D) Nonresident Broker, Inactive Broker,
Broker-Partner, Broker-Associate,
Broker-Officer, Broker-Salesperson,
Partnership, Association, Corporation
or Professional Corporation \$150.00

and
(E) Nonresident Salesperson \$100.00

(3) The following fees shall be paid for renewal of licenses:

(D) Delinquent Fee \$50.00
(per month or partial month elapsed since
date of expiration not to exceed a maximum
delinquent fee) \$200.00

[and

(E) For each nonresident broker or salesperson license, the fee shall be equal to the fee a Missouri resident would pay for a similar license in the nonresident's state of domicile.]

(E) Nonresident Broker, Inactive Broker,
Broker-Partner, Broker-Associate,
Broker-Officer, Broker-Salesperson,
Partnership, Association, Corporation
or Professional Corporation \$150.00

and
(F) Nonresident Salesperson and Inactive
Salesperson \$100.00

AUTHORITY: sections 339.090, as amended by HB 567 (2001) and 339.120, RSMo [Supp. 1993] 2000. Original rule filed Jan. 16, 1979, effective April 12, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 28, 2001.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an annual increase of approximately one thousand five hundred seventy-one dollars (\$1,571) for the life of the amendment. It is anticipated that the total costs will recur annually for the life of the amendment, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight

Committee. This proposed amendment will also cost private entities an estimated fifty-eight thousand one hundred seventy-nine dollars (\$58,179) biennially for the life of the amendment. It is anticipated that the total costs will recur biennially for the life of the amendment, may vary with inflation and are expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this amendment, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 250 - Missouri Real Estate Commission

Chapter: Chapter 5 - Fees

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 250-5.020 Application and License Fees.

II. SUMMARY OF FISCAL IMPACT

ANNUAL COST SAVINGS

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate annual increase by the affected entities:
119	Original Applicants (Nonresident Broker, Inactive Broker, Broker-Partner, Broker-Associate, Broker-Officer, Broker-Salesperson, Partnership, Association, Corporation or Professional Corporation – annual increase - \$31.00)	\$3,689
353	Original Applicants (Nonresident Salesperson – annual cost savings of \$6.00)	(\$2,118)
Total annual cost for the life of the rule		\$1,571

BIENNIAL COST INCREASE

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate biennial increase of compliance with the rule by the affected entities:
1,779	Renewal Applicants (Nonresident Broker, Inactive Broker, Broker-Partner, Broker-Associate, Broker-Officer, Broker-Salesperson, Partnership, Association, Corporation or Professional Corporation – increase of \$23.00)	\$40,917
2466	Renewal Applicant (Nonresident Salesperson and Inactive Salesperson – annual cost increase of \$7.00)	\$17,262
Total biennial cost increase for the life of the rule		\$58,179.00

III. WORKSHEET

See table above

IV. ASSUMPTIONS

1. This proposed amendment will cost private entities an estimated \$1,571 annually for the life of the rule. It is anticipated that the total savings will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.
2. This proposed amendment will also cost private entities an estimated \$58,179 biennially for the life of the rule. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

*[Division 30—Division of School Services
Chapter 340—Academically Deficient Schools]*

Division 50—Division of [Instruction] School Improvement

Chapter 340—[Supervision of Instruction] School Improvement and Accreditation

PROPOSED AMENDMENT

5 CSR [30]50-340.[010]110 Policies and Standards Relating to Academically Deficient Schools. The State Board of Education is proposing to amend the rule number, chapter and division titles, and subsections (1)(C) and (2)(D).

PURPOSE: The amendment will enable adequate recruitment of required numbers of audit and management team members and will reduce the costs of implementing the rule. It also updates the authority from the readopted rule.

(1) For purposes of this rule—

(C) “State-determined academically deficient school” shall mean a concerned school whose MAP results for two (2) consecutive testing years place the school in the lowest fifty (50) schools when considering the percent of students who score in Step 1 and [progressing] **Progressing** on the MAP and who are identified as academically deficient by the State Board of Education;

(2) Determination of academically deficient schools by the state—

(D) Within sixty (60) days of identification of a concerned school, the State Board of Education shall appoint an audit team of at least ten (10) people as described in section 160.538.2(4), RSMo, and designate the chairperson of the committee for any school identified in the lowest fifty (50) as determined by subsections (2)(A), (B) and (C). *[A member of an audit or management team cannot be from an adjoining school district.]* A Department of Elementary and Secondary Education state supervisor cannot be on a team relating to an academically deficient school in a school district which she/he supervises;

AUTHORITY: sections [160.538.1 and 160.538.2] **160.538 and 161.092**, RSMo [Supp. 1998] **2000**. Original rule filed Sept. 5, 1996, effective March 30, 1997. Rescinded and readopted: Filed March 22, 1999, effective Sept. 30, 1999. Amended: Filed Sept. 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Ginny Vandelicht, Assistant Director, School Improvement and Accreditation, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

**Division 60—Vocational and Adult Education
Chapter 120—Vocational Education**

PROPOSED RESCISSION

5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program. This rule established minimum requirements for the administration of the Vocational-Technical Education Enhancement Grant Award Program.

PURPOSE: This rule is being rescinded and resubmitted as changes are being proposed. Rescission is necessary due to changes in the fiscal note.

AUTHORITY: section 178.585, RSMo Supp. 1999. Original rule filed Nov. 10, 1993, effective June 6, 1994. Amended: Filed Nov. 22, 1994, effective June 30, 1995. Amended: Filed July 7, 2000, effective Feb. 28, 2001. Rescinded: Filed Oct. 19, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

**Division 60—Vocational and Adult Education
Chapter 120—Vocational Education**

PROPOSED RULE

5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program

PURPOSE: This rule establishes minimum requirements for the administration of the Vocational-Technical Education Enhancement Grant Award Program.

(1) The Vocational-Technical Education Enhancement Grant Award Program shall be administered by the Division of Vocational and Adult Education (division), Department of Elementary and Secondary Education (DESE), which has the authority to determine grant award criteria and annual grant amounts.

(2) Eligible institutions shall include public high schools, area vocational-technical schools and community colleges that operate DESE-approved occupational preparatory (long-term) vocational education programs. Grant awards shall be made under the following conditions:

(A) Seventy-five percent (75%) of grant funds shall be expended for new programs, curriculum enhancement or instructional equipment that address demand occupations that have been determined to be in critical shortage, as published by the division. The remaining twenty-five percent (25%) or less of the grant may be used for these purposes, as well as facility improvement without regard for demand occupations. A grant recipient shall expend at least twenty-five percent (25%) matching funds from local sources for all grant funds expended for instructional equipment. A grant recipient shall expend at least fifty percent (50%) matching funds from local sources for all other grant fund expenditures;

(B) An advisory committee with no fewer than twelve (12) members shall be established by each eligible institution prior to a

grant award. This committee shall be composed of at least two (2) members representing each of the following groups: business persons, labor leaders, parents, senior citizens, community leaders and teachers. The committee shall assist the grant recipient with the development of a plan which will ensure that graduates proceed to a two (2)- or four (4)-year college/university or a high wage job with workplace skill development opportunities. This plan shall be developed prior to the close of the fiscal year that the grant recipient receives an initial grant under this grant award program. Eligible institutions that apply for grant funds after receiving an initial grant award shall submit a description of the accomplishments made toward the implementation of their initial plan and any modifications to their initial plan; and

(C) A budget shall be developed which details all major expenditure categories and itemizes all equipment purchases. Equipment purchases with grant funds shall:

1. Have prior approval of the division; and
2. Be appropriate to the instructional content of the vocational education course or program.

(3) A request for proposals will be made available to eligible institutions by the division for each fiscal year. Applicants must develop a grant proposal and forward it to the division no later than the published date in order to receive consideration. Grant awards will be effective July 1 of each year.

(4) Grant proposals must contain at least the following:

(A) The name and address of the institution and school or community college district applying for a grant award;

(B) A statement of commitment to implement the content of the grant proposal bearing the signature of the chief administrator of the school or community college district submitting the grant proposal;

(C) A description of how the funds made available by this grant award program will be used to enhance the vocational education offering at the institution and address demand occupations;

(D) A detailed, line item budget of anticipated local and grant fund expenditures;

(E) An assurance that fiscal control, property management control and fund accounting procedures are provided;

(F) An assurance that funds from local sources will be allocated and expended for the purposes delineated in the grant proposal in an amount equal to or greater than twenty-five percent (25%) for all instructional equipment and equal to or greater than fifty percent (50%) for all other grant award expenditure;

(G) An assurance that seventy-five percent (75%) of grant funds will be expended for new programs, curriculum enhancement or instructional equipment that address demand occupations;

(H) An assurance that the grant recipient will comply with all reporting requirements of the department relating to this grant award program;

(I) An assurance by secondary school districts that student performance standards will be established within the district that lead to or qualify students for graduation, and that these standards meet or exceed the Show-Me Standards;

(J) An assurance that prior to the close of the fiscal year of the grant award a plan will be developed with the assistance of the prescribed advisory committee, to ensure that graduates proceed to a two (2)- or four (4)-year college/university or a high wage job with workplace skill development opportunities;

(K) A listing of the advisory committee members and the category that they represent;

(L) The title and classification of instructional programs (CIP) code of any occupational preparatory (long-term) vocational education program for which grant funds will be expended; and

(M) A complete application for new or expanding regular vocational education programs, if an occupational preparatory (long-

term) vocational education program is being established or expended with grant funds.

(5) The division will review all grant proposals submitted by eligible institutions based upon the extent to which:

(A) The proposed programs, services and activities enhance vocational education;

(B) The proposed programs, services and activities address demand occupations; and

(C) A complete grant proposal is received prior to the proposal deadline.

(6) The division will give priority to eligible institutions that have not previously received a grant award.

(7) Beginning July 1, 1994, the commissioner of education shall request from the director of the Division of Workforce Development, Department of Economic Development, an annual listing of demand occupations in the state, including substate projections. The listing shall include those occupations for which, in the judgment of the director of the Division of Workforce Development, there are critical shortages to meet present and future employment needs necessary to the economic growth and competitiveness of the state. The division will publish the list of demand occupations annually in its request for proposals.

(8) The assistant commissioner for Vocational and Adult Education may set aside up to ten percent (10%) of the monies appropriated for regional or statewide projects. The projects shall:

(A) Enhance the delivery system of vocational-technical education;

(B) Integrate academic and vocational-technical education; or

(C) Improve the articulation of vocational-technical programs at secondary and postsecondary institutions.

AUTHORITY: sections 161.092 and 178.585, RSMo 2000. Original rule filed Nov. 10, 1993, effective June 6, 1994. Amended: Filed Nov. 22, 1994, effective June 30, 1995. Amended: Filed July 7, 2000, effective Feb. 28, 2001. Rescinded and readopted: Filed Oct. 19, 2001.

PUBLIC COST: This proposed rule will cost the Department of Elementary and Secondary Education an estimate of \$18,000,000 for Fiscal Year 2002, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly. The school matching fund cost is estimated to be \$5,400,000 for Fiscal Year 2002, with cost recurring annually for the life of the rule.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 60 - Division of Vocational and Adult Education

Chapter: 120 - Vocational Education

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program

II. SUMMARY OF FISCAL IMPACT

The current public cost of this rule for the Department of Elementary and Secondary Education is estimated to be \$18,000,000 for Fiscal Year 2002, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly.

The grant money is distributed to vocational programs at public comprehensive high schools, area vocational schools, and community colleges.

The school matching fund cost is estimated to be \$5,400,000 for Fiscal Year 2002, with the cost recurring annually for the life of the rule.

III. WORKSHEET

The Department of Elementary and Secondary Education administers the Vocational-Technical Education Enhancement Grant Award Program. The grant award program provides financial assistance to improve vocational education programs at public comprehensive high schools, area vocational schools, and community colleges operated by local education agencies.

The school matching fund cost is estimated to be \$5,400,000 with the equipment cost being eighty percent (80%) of the appropriation amount with the schools being responsible for twenty five percent (25%) as matching funds (.80 X .25=\$3,600,000), and the other cost being twenty percent (20%) of the appropriation amount with the schools being responsible for fifty percent (50%) as matching funds (.20 X .50=\$1,800,000). The total of the equipment and other matching funds for the schools is \$5,400,000.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.190 Rules of Play. The commission is amending section (1).

PURPOSE: The purpose of the amendment is to clarify that no bingo paper or pull-tab sales may begin prior to 10:00 a.m. pursuant to 313.040(14), RSMo.

(1) Except for pull-tab games, a bingo game begins with the first letter and number drawn (called). Bingo paper may be sold no more than two (2) hours prior to the start of the first bingo game; **however, no bingo paper or pull-tab sales may start before 10:00 a.m.** The paper and/or pull-tab sales time must be clearly posted in the licensee's house or game rules. All bingo paper and/or pull-tab sales times are subject to approval by the commission.

AUTHORITY: section 313.065, RSMo [Supp. 1998] **2000**. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed May 13, 1998, effective Dec. 30, 1998. Amended: Filed Oct. 29, 1999, effective May 30, 2000. Amended: Filed Oct. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Drive, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on December 11, 2001, in the Gaming Commission's hearing room located at 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.395 Manufacturer Record Keeping Requirements. The commission is amending section (1), adding a new section (3), renumbering the remaining sections and amending the new section (6).

PURPOSE: The purpose of the amendment is to clarify the record keeping requirements for manufacturers.

(1) A manufacturer shall maintain copies of all sales invoices. Invoices shall include name of manufacturer, manufacturer's

Missouri license number, name and license number of the Missouri supplier, invoice number, full description of bingo equipment/merchandise shipped, serial number of equipment/merchandise, **shipping destination** and date equipment/merchandise was shipped.

(3) All documents generated by the manufacturer with each product sold must also be maintained. Documents such as order forms, bills of lading or other documents must be retained with the invoice.

[(3)](4) In packaging the bingo paper or pull-tabs, the manufacturer shall comply with the following packaging requirements:

(A) Each package, box or container shall be sealed; and

(B) The serial number shall be placed on the outside of the package so that it can be clearly viewed from the outside.

[(4)](5) All records, reports and receipts required by this rule and Chapter 313, RSMo shall be maintained for a minimum of three (3) years and stored in such a manner as to be available for inspection by the commission upon request at no charge.

[(5)](6) Manufacturers are only allowed to sell their [products] **bingo equipment, as defined in 11 CSR 45-30.155, in the state of Missouri** to suppliers licensed by the commission. If violations of this restriction or other restrictions listed in this rule, or Chapter 313, RSMo are identified by the commission, the manufacturer's license could be subject to immediate suspension or revocation.

AUTHORITY: section 313.065, RSMo [Supp. 1996] **2000**. Original rule filed Dec. 15, 1994, effective May 28, 1995. Amended: Filed July 3, 1995, effective Jan. 30, 1996. Amended: Filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed Oct. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Drive, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on December 11, 2001, in the Gaming Commission's hearing room located at 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo**

PROPOSED AMENDMENT

11 CSR 45-30.525 Supplier Record Keeping Requirements. The commission is amending section (8).

PURPOSE: The purpose of the amendment is to clarify the sale of bingo paper to entities not required to be licensed by the commission.

(8) Suppliers are only allowed to buy bingo products from licensed Missouri manufacturers and are only allowed to sell bingo products to licensed Missouri suppliers or operators. **Suppliers may, however, sell bingo paper to entities who are not licensed with the commission, if the paper is used for a free, no-charge bingo game. Prior approval must be obtained from the commission by the entity that is going to use the bingo paper. The supplier must maintain a copy of the approval with the original invoice. The paper must be marked as prescribed by the commission, to reflect the paper may not be used in conjunction with a licensed bingo game.** Suppliers are allowed to sell products tax free to suppliers or operators in other states (export sales), if the record keeping requirements listed in sections (2)–(4) of this rule are followed. **Suppliers shall maintain a separate invoice file for all Missouri tax-exempt sales.** If violations of this restriction or the other restrictions listed in this rule or Chapter 313, RSMo are identified by the commission, the supplier's license could be subject to immediate suspension or revocation.

AUTHORITY: section 313.065, RSMo [Supp. 1998] 2000. Emergency rule filed Dec. 15, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed May 2, 1995, effective May 12, 1995, expired Sept. 8, 1995. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Amended: Filed May 6, 1999, effective Dec. 30, 1999. Amended: Filed Oct. 1, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, PO Box 1847, 3417 Knipp Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Private entities who feel there is cost which exceeds five hundred dollars (\$500) associated with this amendment, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on December 11, 2001, in the Gaming Commission's hearing room located at 3417 Knipp Drive, Jefferson City, Missouri.*

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 70—Division of Liquor Control

Chapter 3—Tobacco Regulations

PROPOSED RULE

11 CSR 70-3.010 Retailer Employee Tobacco Training Criteria

PURPOSE: This rule establishes training criteria for retailers and employees selling tobacco products.

(1) Minimum retailer employee tobacco training, as referenced in section 407.931.6, RSMo, shall not exceed a total of ninety (90) minutes in length and shall cover the following criteria:

- (A) State laws set out in sections 407.926, RSMo, et seq.;
- (B) Federal regulations pertaining to retail sales of tobacco products, set out in 21 CFR Part 897;
- (C) What constitutes a valid identification as set out in section 407.929.2, RSMo;
- (D) How to determine the validity of an identification and to detect fake, invalid and/or altered identifications; and

(E) The refusal and denial of the sale of tobacco products to a minor or to someone without proper identification.

(2) An owner of an establishment where tobacco products are available for sale may claim the exemption of section 407.931.6, RSMo if said owner had in place an in-house or other tobacco compliance employee training program meeting the criteria in section (1) above and the training was attended by all employees who sell tobacco products to the general public.

(3) Each employee attending the training shall sign and date a certification upon completion of the training stating that the employee has been trained and understands the state laws and federal regulations regarding the sale of tobacco products. This certification shall be presented to the supervisor of liquor control upon request.

AUTHORITY: section 407.931.6(3), RSMo Supp. 2001. Original rule filed Sept. 27, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately nine hundred thousand dollars (\$900,000) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rule with the Division of Liquor Control, Charles R. Jackson, Acting State Supervisor, PO Box 837, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST****I RULE NUMBER**

Title: 11 Department of Public Safety
Division: 70 Division of Liquor Control
Chapter: 3 Tobacco Regulations
Type of Rulemaking: Proposed Rule
Rule Number and Name: 11 CSR 70-3.010 Retailer Employee Tobacco Training
Criteria

II SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 12,000	Retail outlets that sell tobacco products	\$900,000 annually

III WORKSHEET

We estimate that there are 12,000 retailers in Missouri who sell tobacco products. We also estimate that seventy-five percent of these 12,000 tobacco retailers will train their employees in accordance with this proposed rule. Also, it is estimated that the average cost per retailer will be \$100 annually to maintain training for all employees. Therefore, the estimated annual cost is \$900,000 (12,000 retailers x 75% x \$100 = \$900,000).

IV ASSUMPTIONS

Annual cost to private entities is based on the assumption that 9,000 of the 12,000 tobacco retailers will elect to train employees as delineated in this proposed rule at a cost of \$100 annually. These are not mandatory training criteria; however, tobacco retailers must train employees in accordance with the proposed rule to use the exemption from disciplinary action for selling tobacco to minors under Section 407.926, RSMo.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 70—Division of Liquor Control
Chapter 3—Tobacco Regulations**

PROPOSED RULE

11 CSR 70-3.020 Guidelines for Sting Operations

PURPOSE: This rule establishes guidelines for the use of minors in tobacco investigations by a state, county, municipal or other local law enforcement authority.

(1) The following shall constitute guidelines for the use of minors in tobacco investigations by a state, county, municipal or other local law enforcement authority:

(A) The minor shall be seventeen (17) years of age;

(B) The minor shall have a youthful appearance, and the minor, if a male, shall not have facial hair or a receding hairline and, if a female, shall not wear excessive makeup or excessive jewelry;

(C) The state, county, municipal or other local law enforcement agency shall obtain the consent of the minor's parent or legal guardian before the use of such minor on a document in the following form:

Parent/Legal Guardian Authorization and Consent

State of Missouri)
COUNTY of _____)

Before me, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, who by me is known and who after being by me first duly sworn did depose and state:

1. I am the mother/father/legal guardian of _____, a minor, and said minor was born on the _____ day of _____, 19____.

2. I do hereby give consent for my said minor child to assist the _____ in the investigation of offenses involving the unlawful sale of tobacco products in this state. I understand that my child will be entering locations in which tobacco products are sold and that my child will attempt to purchase tobacco products, but only under the direction and supervision of agents of the _____.

3. I understand that my child may wear an audio recording or transmitting device which will record or transmit oral conversations while my child is attempting the purchase of tobacco products, and I consent to my child wearing such. I also consent to the video recording of my child's activities during these attempts.

4. I understand and agree that my child may be required to appear and testify in court and/or in an administrative proceeding concerning the purchase of tobacco products or other criminal or administrative violations and that said appearance and testimony may be required in Jefferson City or another location in this state.

Signature

Print Name

Sworn to and subscribed before me this _____ day of _____, 20____

Notary Public

(D) The state, county, municipal or other local law enforcement agency shall make a photocopy of the minor's valid identification showing the minor's correct date of birth;

(E) Any attempt by such minor to purchase tobacco products shall be videotaped or audiotaped with equipment sufficient to record all statements made by the minor and the seller of the tobacco product;

(F) The minor shall carry his or her own identification showing the minor's correct date of birth and shall, upon request, produce such identification to the seller of the tobacco product, and the state, county, municipal or other local law enforcement agency shall search the minor prior to the operation to ensure that the minor is not in possession of any other valid or fictitious identification;

(G) The minor shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age;

(H) The minor shall not lie to the seller of the tobacco product to induce a sale of tobacco products;

(I) The minor shall not be employed by the state, county, municipal or other local law enforcement agency on an incentive or quota basis;

(J) If a violation occurs, the state, county, municipal or other local law enforcement agency shall, within two (2) hours, make reasonable efforts to confront the seller with the minor, if practical, and further, within forty-eight (48) hours, contact or take all reasonable steps to contact the owner or manager of the establishment;

(K) The state, county, municipal or other local law enforcement agency shall maintain records of each visit to an establishment where a minor is used by the state, county, municipal or other local law enforcement agency for a period of at least one (1) year following the incident, regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include the following information:

1. The signed consent form of the minor's parent or legal guardian;

2. A Polaroid photograph of the minor taken immediately prior to the operation;

3. A photocopy of the minor's valid identification, showing the minor's correct date of birth;

4. An Information and Consent document completed by the minor in advance of the operation in the following form:

Minor Information and Consent

State of Missouri)
COUNTY of _____)

Before me, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, who by me is known and who after being by me first duly sworn did depose and state:

1. I am _____, a minor, and was born on the _____ day of _____, 19____

My address is _____.

My driver's license number is _____ in the State of _____.

My Social Security number is _____.

My parents'/legal guardians' names are _____.

My home telephone number is _____.

2. I do hereby agree to assist the _____ in the investigation of offenses involving the unlawful sale of tobacco products in this state. I understand that I will be entering locations in which tobacco products are sold and that I will attempt to purchase tobacco products, but only under the direction and supervision of agents of the _____.

3. I understand that I may wear an audio recording or transmitting device which will record or transmit oral conversations while I am attempting the purchase of tobacco products, and I consent to wearing such. I also consent to the video recording of my activities during these attempts.

4. I understand and agree that I may be required to appear and testify in court and/or in an administrative proceeding concerning the purchase of tobacco products or other criminal or administrative violations and that said appearance and testimony may be required in Jefferson City or another location in this state.

Signature

Print Name

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

5. The name of each establishment visited by the minor, and the date and time of each visit;
6. The audiotape or videotape specified in subsection (1)(E) above; and
7. A written Minor Report in the following form:

Minor Report	
Date of Purchase: _____	Time of Purchase: _____ a.m./p.m
Name of Establishment: _____	
Address: (street and city) _____ (County) _____	
Approximate Age of Seller: _____	Sex of Seller: _____
Hair Color of Seller: _____	Clothing of Seller: _____
Sellers' Actions (did or did not ask for I.D.): _____	
Description of Product and Brand Purchased: _____	
Quantity: _____	Price: _____
Conversation with Seller: _____	
Other Details: _____	
_____ Minor's Signature	

(L) The state, county, municipal or other local law enforcement agency must provide pre-recorded currency to the minor, to be used in the operation, and, if a violation occurs, must make all reasonable efforts to retrieve the pre-recorded currency. If a violation occurs, said agency shall further secure and inventory any tobacco products purchased; and

(M) The state, county, municipal or other local law enforcement agency must, in advance of the operation, train the minor who will be used in the operation, which training shall, at a minimum, include i) instruction to enter the designated establishment and to proceed immediately to attempt to purchase tobacco products; ii) instruction to provide the minor's valid identification upon a request for identification by the seller; iii) instruction to answer truthfully all questions about age; iv) instruction not to lie to the seller to induce a sale of tobacco products; v) instruction on the use of pre-recorded currency; and vi) instruction on the other matters set out in this regulation.

AUTHORITY: section 407.934.5, RSMo Supp. 2001. Original rule filed Sept. 27, 2001.

PUBLIC COST: This proposed rule is expected to cost state agencies and political subdivisions a total of seventy-two thousand seven hundred dollars (\$72,700) for one time start-up costs. A fiscal note containing detailed estimated costs of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Liquor Control, Charles R. Jackson, Acting State Supervisor, PO Box 837, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST****I RULE NUMBER**

Title: 11 Department of Public Safety
Division: 70 Division of Liquor Control
Chapter: 3 Tobacco Regulations
Type of Rulemaking: Proposed Rule
Rule Number and Name: 11 CSR 70-3.020 Guidelines for Sting Operations

II SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Division of Liquor Control	\$1,200 one time cost
715 Missouri Law Enforcement Agencies	\$71,500 one time cost

III WORKSHEET

1. These guidelines require the attempted purchase of tobacco products by the minor to be videotaped or audiotaped. The estimated cost for the Division of Liquor Control is based on the purchase of 12 voice-activated audiotape recorders at \$100 each ($12 \times \$100 = \$1,200$) to be used in tobacco investigations.
2. The estimated cost for law enforcement agencies is based on each of 715 agencies purchasing voice activated audiotape recorders ($715 \times \$100 = \$71,500$).

IV ASSUMPTIONS

1. Each of the Division of Liquor Control's six district offices will need two pieces of audiotape recording equipment at a cost of \$100 per recorder.
2. Each of the 715 Missouri law enforcement agencies will need audiotape recording equipment at a cost of \$100 per recorder.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED AMENDMENT

12 CSR 10-23.275 Recognition of Nonresident Disabled Person Windshield Placards. The director proposes to amend the purpose and section (1).

PURPOSE: This amendment is necessary due to the passage of Senate Bill 111, 91st General Assembly that requires the Department of Revenue to recognize federally issued disabled emblems for vehicles.

PURPOSE: This rule sets forth the criteria by which Missouri will recognize and honor vehicles displaying disabled person windshield placards or disabled emblems issued to resident or nonresident operators of these vehicles by the United States government, another state, District of Columbia, or territory or possession of the United States [of which the operator is a resident].

(1) Missouri shall honor disabled person windshield placards or federally issued disabled emblems displayed in or on vehicles of resident or nonresident operators at all times when the vehicles are operated by residents or nonresidents within this state and specifically when the vehicles are located in parking spaces designated for the disabled. The following conditions apply:

(C) Nothing in this rule, in any way, shall be interpreted to allow a resident or nonresident operator of a vehicle displaying a disabled person windshield placard or federally issued disabled emblem to violate any state statute or lawful political subdivision's ordinances governing parking of vehicles within the boundaries of the political subdivision.

AUTHORITY: sections 301.271, RSMo [1986] 2000 and 301.142, RSMo [Supp. 1991] SB 111, 91st General Assembly, 1st Regular Session 2001. Original rule filed April 21, 1986, effective Aug. 11, 1986. Amended: Filed Nov. 12, 1991, effective March 9, 1992. Amended: Filed Sept. 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.050 Deletion of Traffic Convictions and Suspension or Revocation Data From Missouri Driver Records. The director proposes to amend section (1).

PURPOSE: This proposed amendment includes deletion criteria for suspensions for theft of motor fuel.

(1) The Department of Revenue, when otherwise not prohibited by law, may delete from a Missouri driver record a previously recorded traffic conviction, suspension or revocation of a driving privilege if all of the following conditions are met:

(E) The suspension or revocation on the driver record did not involve an alcohol-related offense or enforcement contact; except when the offense was committed by a person under the age of twenty-one (21), who had a blood alcohol content of .02 [through .099] or more and an expungement of the records is provided for in section 302.545, RSMo;

(F) The suspension on the driver record did not involve the theft of motor fuel as provided in section 302.286, RSMo;

[(F)] (G) The driver record does not contain information regarding the mental or physical competence of the individual to retain a drivers license; and

[(G)] (H) The driver record is not currently under investigation.

AUTHORITY: sections 302.286, 302.304, 302.309 and 303.041, RSMo Supp. [1999] 2001. Original rule filed May 27, 1986, effective Aug. 25, 1986. Amended: Filed Sept. 8, 1989, effective Jan. 26, 1990. Amended: Filed Jan. 31, 1992, effective June 25, 1992. Amended: Filed Nov. 4, 1999, effective May 30, 2000. Amended: Filed May 1, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.190 Drivers License Retesting Requirements After a License, School Bus Permit or Temporary Instruction Permit Expires. The director proposes to add a section (3) and amend and renumber section (3) as section (4).

PURPOSE: This amendment is necessary due to the passage of Senate Bill 406, 91st General Assembly and clarifies that an individual may surrender a license from another state up to one hundred eighty-four (184) days after the expiration date and not be required to take the Class F examination.

(3) If a person is surrendering a license from another state, such person shall be allowed to surrender the license and obtain a Missouri license without being required to take the written and/or skills examinations as described in 12 CSR 10-24.060 provided the surrendered license has not been expired for more than six (6) months (one hundred eighty-four (184) days). This does not entitle the driver to continue to operate a motor vehicle while driving on an expired license.

[[3]] (4) If the end of the [grace] one hundred eighty-four (184) day period falls on a legal holiday, Saturday or Sunday, the one

hundred eighty-fourth day shall be deemed to fall on the next working day.

AUTHORITY: section 302.173, RSMo [Supp. 1999] **Supp. 2001**. Original rule filed Oct. 30, 1989, effective Feb. 25, 1990. Amended: Filed July 15, 1991, effective Oct. 31, 1991. Amended: Filed Nov. 21, 1991, effective April 9, 1992. Amended: Filed June 29, 2000, effective Dec. 30, 2000. Amended: Filed Sept. 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.300 Commercial Drivers License Written Examinations. The director proposes to amend subsections (1)(F), (1)(G), delete subsection (1)(H) and amend sections (2), (3) and (4).

PURPOSE: This amendment is necessary due to the passage of Senate Bill 406, 91st General Assembly that no longer requires the written Class F examination when surrendering a license from another state.

(1) The following shall be the types of written examinations for Class A, Class B and Class C licenses:

(F) Passenger Vehicle Test—this examination shall consist of twenty (20) questions which shall include, but not be limited to, questions concerning loading and unloading procedures, proper use of emergency exits, proper responses to emergency situations, proper procedures at railroad crossings and drawbridges and proper braking procedures; **and**

(G) Double/Triple Trailer Test—this examination shall consist of twenty (20) questions which shall include, but not be limited to, questions concerning procedures for assembly and hookup of units, proper placement of heaviest trailer, handling and stability characteristics of double/triple combinations and potential traffic problems of double/triple combinations[; and].

[(H) Class F Written Test—this examination shall consist of twenty-five (25) questions which shall include, but not be limited to, questions concerning an understanding of highway signs, proper turning, backing and signaling, and practical knowledge of the laws of this state. The Class F test will only be required when an applicant for a Missouri commercial drivers license surrenders an out-of-state commercial drivers license or commercial driver instruction permit, or the applicant has not been licensed in Missouri.]

(2) In order to obtain a Class A license, an applicant must take and successfully complete the Basic Knowledge Test, the Combination Vehicle Test[,] and [if appropriate,] the Air Brakes Test [and/or the Class F Written Test], **if appropriate**. The holder of an out-of-state commercial drivers license or commercial driver instruction

permit can surrender his/her valid out-of-state license or permit and qualify for a waiver of the Class A Written Tests.

(3) In order to obtain a Class B license, an applicant must take and successfully complete the Basic Knowledge Test[,] and [if appropriate,] the Air Brakes Test [and/or the Class F Written Test], **if appropriate**. The holder of an out-of-state commercial drivers license or commercial driver instruction permit can surrender his/her valid out-of-state license or permit and qualify for a waiver of the Class B Written Tests.

(4) In order to obtain a Class C license, an applicant must take and successfully complete the Basic Knowledge Test[, the Class F Written Test, if appropriate,] and either the Passenger Test, the Hazardous Materials Test, or both. The holder of an out-of-state commercial drivers license or commercial driver instruction permit can surrender his/her valid out-of-state license or permit and qualify for a waiver of the Class C Written Tests.

AUTHORITY: sections 302.735, RSMo [1994] **Supp. 2001** and 302.765, RSMo [Supp. 1997] **2000**. Original rule filed March 5, 1990, effective June 11, 1990. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED RULE

12 CSR 10-24.326 Third Party Tester and Examiner Sanction and Hearing Guidelines

PURPOSE: This rule establishes the guidelines for sanctioning third party testers and examiners for not conforming to the requirements of the third party tester contract, the laws and regulations of this state concerning commercial drivers and the provisions of the third party tester/examiner requirements produced by the Department of Revenue. It also includes the hearing rights and procedures of such parties.

(1) As used in this rule the following terms mean:

(A) Certification—the authority issued by the director of revenue to a third party tester to open a testing facility or to a third party examiner to administer testing for a third party tester;

(B) Decertification—the director of revenue's removal of authority or certification from a third party tester or examiner. Such removal shall be for a minimum period of one (1) year after which time a new application may be made; and

(C) Denial—the director does not issue a certification to a third party tester or examiner. Such tester or examiner once denied may

not reapply for a period of one (1) year.

(2) The department may warn, deny, refuse to issue or renew, suspend, revoke or decertify a third party tester or examiner's authority, whether initial or renewed. Such action may result from any violation of the third party tester contract or third party tester/examiner requirements, including but not limited to, those violations listed in the Missouri Department of Revenue Third Party Testing Program Sanctions for Examiner or Tester included herein and made a part of this rule. The department recommendations for sanctions are listed in the Department's Third Party Testing Program Sanctions for Examiners and Testers in this rule.

(3) The department shall notify the tester or examiner of its proposed action to deny, refuse to issue or renew, suspend, revoke or decertify a third party tester or examiner certification by mailing via certified mail, notice to the party's last known address in the department's records.

(4) The department's notice of proposed action shall state that the party may request a hearing on the denial, refusal to issue or renew, suspension, revocation or decertification by the department within thirty (30) days of the mailing of such notice.

(5) Failure to request a hearing shall result in the proposed action of the director becoming effective thirty (30) days from the date of mailing of notice.

(6) Upon receipt of a written request for a hearing, the director shall set a hearing date, a time and location designated by the director. Notice of hearing shall be mailed to the tester or examiner at the last known address for such entity within the department's records. Notice shall be complete upon mailing and shall state the time, date and place of hearing and the reason or reasons for the proposed action. If a hearing is requested, the action of the director shall be stayed until a hearing is held and an order entered thereon.

(7) Such hearings shall be conducted by the director or the director's designated hearing officer. Such hearings shall be heard in substantially the same manner as provided in Chapter 536, RSMo.

(8) The director shall enter a written hearing decision and mail that decision to the party requesting the hearing at the last known address for such party in the department's records.

(9) Further review of the action of the director as a result of an administrative hearing may be taken pursuant to section 302.311, RSMo.

(10) Notwithstanding the provisions of section (5) of this rule the department may summarily revoke or suspend the certificate of a third party tester, without opportunity for stay, provided that the department finds that the public safety requires emergency action and it incorporates its findings to that effect in its notice of suspension or revocation. If so requested, a hearing to review the summary action and the underlying cause shall be held in an expedited time frame not to exceed thirty (30) days and the summary suspension or revocation shall be promptly determined.

(11) Any Missouri public school district and their pupil transportation contractor or Missouri state operated training center is exempt from the requirement and sanctions in the third party tester/examiner requirements stating the third party tester may not both train and test.

**MISSOURI DEPARTMENT OF REVENUE THIRD PARTY TESTING PROGRAM
SANCTIONS**

EXAMINER

VIOLATIONS	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
EXAMINER RECORDKEEPING AND BUSINESS PRACTICES				
Examiner conducts test while non-certified, suspended or decertified.	Decertification			
Examiner conducts tests without DOR approval or conducts tests for more than one tester.	Decertification			
Examiner does not adhere to fee schedule.	Warning letter	30-day suspension.	60-day suspension.	Decertification
Examiner fails to maintain or complete records as required.	Warning letter	30-day suspension.	60-day suspension.	Decertification
Examiner fails to respond to DOR/MSHP request for information or fails to comply with DOR/MSHP instruction, directive or ruling.	Suspension until complies	Decertification		
EXAMINER QUALIFICATIONS				
Examiner application indicates felony conviction in last five years.	Denial/Decertification			
Examiner driving history indicates conviction for any alcohol related enforcement contacts (DWI, DUI, BAC, DUID, etc) in MO or any other state within lasts five years.	Denial/Decertification			
Examiner driving history indicates a suspension, revocation, cancellation or disqualification in MO or any other state within last five years.	Denial/Decertification			
Examiner fails to attend required re-certification courses as required by the Director every three (3) years or when required based upon audit findings.	Suspension until re-certification course completed.	Decertification		
Examiner fails to report suspension, revocation, cancellation or disqualification.	Suspension up to one year or decertification.			

SKILLS TEST ADMINISTRATION				
Examiner encourages or accepts bribe or gratuity.	Decertification			
Examiner falsifies records or information or misrepresents by omitting any test requirement or procedure.	Suspension up to one year and/or decertification.			
Examiner fails to inform DOR/MSHP concerning civil or criminal actions related to skills test.	Suspension up to one year and/or decertification.			
Examiner administers skills test without proper CDL License and appropriate endorsements and/or restrictions.	30-day minimum suspension and re-audit.	Decertification		
Examiner tests applicant for whom the tester/ examiner provided training. *** See Administrative Rule, Part 10, for exemptions to this policy.	30 day suspension	60 day suspension	Decertification	
Examiner knowingly re-tests failed applicant within same day.	Warning	30-day suspension	60-day suspension	Decertification
Examiner allows unauthorized passengers in the test vehicle during skills testing.	Warning and possible re-audit	30-day suspension	60-day suspension.	Decertification
Audit of examiner finds scoring and form completions inconsistent with TPT manual guidelines.	Re-audit and/or 30 day suspension	60 day suspension	Decertification	

**MISSOURI DEPARTMENT OF REVENUE THIRD PARTY TESTING PROGRAM
SANCTIONS
TESTER**

VIOLATIONS	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
TESTER RECORDS AND BUSINESS PRACTICES				
Tester operates without Department of Revenue authorization.	Application denied for minimum of five (5) years.			
Tester does not maintain insurance as required per section C -3 in tester contract.	Suspended until Department receives proof of required insurance.	30 day suspension and must submit proof of required insurance to Department of Revenue.	Decertification	
Tester does not maintain certificate of authorization for use of test site(s) as required.	Suspended until receipt of authorization and posting of certificate.	30 day suspension and must receive authorization and post certificate	Decertification	
Tester uses non-certified, suspended or decertified examiner.	Decertification			
Tester uses examiner without Department of Revenue approval or allows examiner to test for more than one tester.	Decertification			
Tester does not adhere to fee scheduling.	Warning letter to TPT	30 day suspension	60 day suspension	Decertification
Tester representative fails to attend audit/inspection without notification.	30-day suspension	60-day suspension	Decertification	
Tester fails to comply with monthly reporting requirements.	Warning letter to TPT	30 day suspension	60 day suspension	Decertification
Tester fails to respond to DOR/MSHP request for information or fails to comply with DOR/MSHP instruction, directive or ruling.	Suspension until complies	Decertification		
Tester fails to maintain permanent structure and business street address.	Suspension until complies	Decertification		
Tester records not maintained at each test site in centralized location.	If audit can be completed, warning letter to TPT. If audit cannot be completed, warning letter to TPT and reschedule audit.	30-day suspension.	Indefinite suspension until complies	Decertification
Tester fails to notify DOR of any changes to tester or examiner status.	Warning	30-day suspension.	Decertification	

TEST SITE FACILITIES				
Site does not comply with basic control, pre-trip and skills course layout or space requirements.	Warning and/or up to 30 day suspension	Warning and/or up to 60 day suspension	One (1) year suspension or possible decertification.	Decertification
TEST ADMINISTRATION				
Tester encourages or accepts bribe or gratuity.	Decertification			
Tester falsifies records or information, or misrepresents by omitting, any test requirement or procedure or encourages/requires examiner to do the same.	Decertification			
Tester fails to inform DOR/MSHP concerning civil or criminal actions related to complaints regarding skills testing.	Suspension up to one year pending additional action or decertification.			
Tester allows examiner to administer skills test without proper CDL license and appropriate restrictions or endorsements.	30-day suspension and re-audit.	Decertification		
Tester allows examiner to administer tests during non-daylight hours.	30 day suspension	60 day suspension	Decertification	
Tester allows examiner to knowingly re-test failed applicant within same day.	Warning	30 day suspension	60 day suspension	Decertification
Tester allows examiner to administer skills tests with unauthorized passengers in test vehicle.	Warning	30 day suspension	60 day suspension	Decertification
Tester administers test to employees or students whom the tester has trained. *** See Administrative Rule, Part 10, for exemptions to this policy.	30 day suspension	60 day suspension	Decertification	

AUTHORITY: sections 302.720 and 302.765, RSMo 2000.
Original rule filed Sept. 27, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.402 Department of Revenue Instruction Permits.
The director proposes to amend section (2) and delete the Missouri Drivers License or Identification Data Card form that follows this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to add driver training instructors certified by the Department of Elementary and Secondary Education or qualified instructor of a private drivers' education program as required by section 302.130 and 302.178, RSMo.

(2) Until his/her sixteenth birthday, the holder of a temporary permit shall be accompanied at all times while driving a motor vehicle by a grandparent, parent, [or] guardian, **driver training instructor certified by the Department of Elementary and Secondary Education or a qualified instructor of a private drivers' education program** as defined in the following:

(B) Parent shall include a foster parent, stepparent or adoptive parent; [and]

(C) Guardian shall be a court-appointed guardian, or, in the event the parent, grandparent or guardian of the person under sixteen (16) years of age has a physical disability which prohibits or disqualifies them from being a qualified licensed operator, the parent, grandparent or guardian may designate a maximum of two (2) individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. The designee must meet the requirements outlined in section 302.130, RSMo. The parent, grandparent or guardian must complete a certified statement prescribed by the director of revenue and must provide the designee's full name and driver['s] license number. The name and driver['s] license number of the designee shall be displayed on a label affixed to the temporary permit[.];

(D) **A certified driver trainer must hold a valid drivers license and an education endorsement on a teaching certificate issued by the Department of Elementary and Secondary Education and may be a driver trainer employed by a federal residential job training program; and**

(E) **A qualified private drivers' education program instructor must hold a valid drivers license.**

AUTHORITY: sections 302.130, RSMo Supp. 2001 and 302.132, RSMo [Supp. 1999] 2000. Emergency rule filed Sept. 16, 1991, effective Sept. 26, 1991, expired Jan. 23, 1992. Original rule filed Sept. 16, 1991, effective Jan. 13, 1992. Amended: Filed Sept. 15, 1995, effective March 30, 1996. Amended: Filed Dec. 12, 1997, effective June 30, 1998. Amended: Filed Oct. 1, 1998, effective March 30, 1999. Amended: Filed Oct. 6, 2000, effective April 30, 2001. Amended: Filed Sept. 27, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

PROPOSED RULE

12 CSR 10-24.462 Prohibit Release of Information on Peace Officers and Their Immediate Family

PURPOSE: This rule defines the term "immediate family" and establishes the form used to request confidentiality of motor vehicle and driver record information pursuant to section 32.056, RSMo.

(1) Immediate family for purposes of this rule is defined as those who are related and living in the same household with the officer including, but not limited to, spouse, children or stepchildren.

(2) Requests for confidentiality of motor vehicle and driver record information must be made on an Application for Restriction of Information (Form DOR-4568) included herein.



MISSOURI DEPARTMENT OF REVENUE
DIVISION OF MOTOR VEHICLE AND DRIVERS LICENSING
RESTRICTION OF INFORMATION

FORM
4568
(REV. 8-01)

NAME LAST		FIRST	MIDDLE INITIAL	CLASSIFIED LICENSE NUMBER/SOCIAL SECURITY NUMBER	
STREET ADDRESS				DATE OF BIRTH	DAYTIME TELEPHONE NUMBER ()
CITY	STATE	ZIP CODE		POSITION OR TITLE OR RELATIONSHIP TO OFFICER	
IF APPLICANT IS OTHER THAN OFFICER, PROVIDE OFFICER'S NAME					
PREVIOUS NAME					

MOTOR VEHICLE RECORDS

Please check this box if you are requesting restriction of information regarding your motor vehicle registration records.

☐ PLEASE DO NOT RELEASE ANY INFORMATION ON MY VEHICLE REGISTRATION RECORDS.

If you restrict your motor vehicle records, **NO ONE** will have access to your motor vehicle records including your insurance company or law enforcement. This may require you to provide additional proof of ownership or registration if you are stopped by law enforcement. Each time you title, register, or sell a vehicle, you must complete and submit this form and the appropriate application to the Driver and Vehicle Services Bureau, PO Box 100, Jefferson City MO 65105-0100, so your records can be updated accordingly. Telephone: (573) 751-4509, Fax: (573) 751-7060. You are not required to use this form when you renew your registration provided you use the confidential renewal notice the department issues to you. **To obtain a copy of your motor vehicle records, you must come to the Central Office, Harry S Truman State Office Building, Room 370, Jefferson City, MO.** Please list below information regarding vehicles registered in your name that you want restricted. (Attach additional sheet if necessary.)

	YEAR	MAKE	VEHICLE IDENTIFICATION NUMBER	CURRENT LICENSE PLATE NUMBER	EXP. YEAR
1.					
2.					
3.					
4.					

DRIVER LICENSE RECORDS

Please check this box if you are requesting restriction of information regarding your driver record for the first time. Request for restriction of information is only required one time for driver records. If you are only requesting restriction of driver record information, you must send this form to the Customer Assistance Bureau, PO Box 200, Jefferson City MO 65105-0200. Telephone: (573) 751-2730, Fax: (573) 522-8174. E-mail: dlbmail@mail.dor.state.mo.us

☐ PLEASE DO NOT RELEASE ANY INFORMATION ON MY DRIVING RECORD.

If you restrict your driving record, **NO ONE** will have access to your driver record including your insurance company or law enforcement. This may require you to provide additional proof of identification if you are stopped by law enforcement. **To obtain a copy of your driver record or image portfolio, you must come to the Central Office, Harry S Truman State Office Building, Room 225, Jefferson City, MO.**

I certify that I am a county, state or federal parole officer, federal pretrial officer or peace officer pursuant to section 590.100, RSMo, or member of their immediate family, and the facts provided herein are in conjunction with this application are true to the best of my knowledge. When I discontinue being a county, state or federal parole officer, federal pretrial officer or peace officer for any reason, I will notify the Department of Revenue.

☐ Check this box if you are notifying the Department of Revenue that you are no longer a county, state or federal parole officer, federal pretrial officer or peace officer pursuant to section 590.100, RSMo, or member of their immediate family, or if you no longer want your motor vehicle or driving record information restricted.

SIGNATURE				DATE	KEEP A COPY OF THIS DOCUMENT FOR YOUR RECORDS

FOR OFFICE USE ONLY

DVSB	ACTIVITY CODE	BATCH NUMBER	PROCESSED BY	DATE	If form indicates restriction of information requested for other bureau, forward a copy of this form to that bureau. DATE FORM SENT TO OTHER BUREAU IF APPLICABLE
CAB	ACTIVITY CODE	BATCH NUMBER	PROCESSED BY	DATE	

AUTHORITY: sections 32.056, RSMo Supp. 2001 and 590.100, RSMo 2000. Original rule filed Sept. 27, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability

PROPOSED AMENDMENT

13 CSR 70-3.100 Filing of Claims, Medicaid Program. The division is amending sections (1), (2) and (5) and deleting the forms that follow the regulation in the *Code of State Regulations*.

PURPOSE: The proposed amendment updates which dental claim form and electronic claim format for pharmacy services must be used for filing claims to Missouri Medicaid, provides the Internet web site address for accessing Medicaid manuals, and incorporates specific claims filing instructions for payment in the regulation by reference to provider manuals.

(1) Claim forms used for filing Medicaid services as appropriate to the provider of services are—

(A) Nursing Home Claim—[MO-8804, Revision 04/88] **Fast Electronic Nursing Institution Xmission (FENIX), or individualized provider software when authorized by the state's fiscal agent;**

(B) Pharmacy Claim—MO-8803, Revision [04/88] **09/99 or POS, on-line claim format—NCPDP current version;**

(E) Dental Claim—[MO-8802, Revision 04/88] **ADA Dental Form;** or

(2) **Specific claims filing instructions are modified as necessary for efficient and effective administration of the program as required by federal or state law or regulation.** Reference the appropriate **Medicaid** provider manual and claim filing instructions for specific claim filing instructions information. **Medicaid Manuals, sample forms, and the Missouri Medicaid Forms Request document are available via the Internet at the Division of Medical Services web site—www.dss.state.mo.us/dms.**

(5) Denial. Claims that are not submitted in a timely manner and as described in sections (1) and (2) of this rule will be denied. Except that at any time in accordance with a court order, the agency may make payments to carry out hearing decision, corrective action or court order to others in the same situation as those directly affected by it. The agency may make payment at any time when a claim was denied due to state agency error or delay, as determined by the state agency.

*AUTHORITY: sections 208.153 [RSMo Supp. 1991] and 208.201, RSMo [Supp. 1987] 2000. This rule was previously filed as 13 CSR 40-81.071. Original rule filed June 2, 1976, effective Oct. 11, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 28, 2001.*

*tive Oct. 11, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 28, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is not expected to cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 10—Office of the Director
Chapter 5—Procedures for the Collection and Submission of Data to Monitor Health Maintenance Organizations

PROPOSED AMENDMENT

19 CSR 10-5.010 Monitoring Health Maintenance Organizations Definitions. The department proposes to amend this rule by amending the department Title, amending subsections (1)(A) and (B); amending subsections (2)(A), (C) and (D); amending subsection (3)(B); and replacing Tables A, B, and D.

PURPOSE: This amendment is to reflect the department name change by modifying section (1), subsections (A) and (B); to clarify the requirements on submission of annual member satisfaction survey data by modifying section (2), subsections (A), (C) and (D); to clarify the requirements on submission of audited quality indicator data by modifying section (3), subsection (B); to update Table A to reflect consistency with standards of the National Quality Assurance Committee; to update Table B to reflect the data specifications for the quality indicators; and to revise Table D to update and reduce required health care access information.

(1) The following definitions shall be used in the interpretation and enforcement of this rule:

(A) Department means Missouri Department of Health and Senior Services;

(B) Director means the director of the Missouri Department of Health and Senior Services;

(2) Starting in 1998, health care plans shall submit annually to the department, member satisfaction survey data—

(A) The member satisfaction survey shall be conducted according to HEDIS® technical specifications, including survey instrument, sample size, sampling method, [and] collection protocols and CAHPS® component of the HEDIS® compliance audit;

(C) In 1998 the data shall be submitted by September 1. In subsequent years a final member-level data file, a summary level data file and a CAHPS® component audit verification letter shall be submitted by June 15 or the date required by NCQA if other than June 15; and

(D) Medicare health care plans shall participate in a member satisfaction survey conducted by the [Health Care Financing Administration] Centers for Medicare and Medicaid Services.

The department will obtain the data from the [Health Care Financing Administration] **Centers for Medicare and Medicaid Services**.

(3) Starting in 1998, health care plans shall provide annually to the department, audited quality indicator data—

(B) All health care plans shall submit to the department documentation from a NCQA licensed organization that the quality indicator data submitted to the department have been audited through a partial or complete **compliance** audit according to HEDIS® specifications;

*AUTHORITY: section 192.068, RSMo [Supp. 1999] **2000**. Emergency rule filed Jan. 16, 1998, effective Jan. 26, 1998, terminated April 15, 1998. Original rule filed Jan. 16, 1998, effective August 30, 1998. Amended: Filed Oct. 30, 1998, effective May 30, 1999. Amended: Filed Dec. 20, 1999, effective May 30, 2000. Amended: Filed Sept. 15, 2000, effective April 30, 2001. Amended: Filed Oct. 2, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities sixty-three thousand dollars (\$63,000) annually in the aggregate. See attached detailed fiscal note.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Center for Health Information Management and Evaluation, Garland Land, Director, PO Box 570, Jefferson City, MO, 65102, (573) 751-6272. To be considered, comments must be received within (30) thirty days following the publication of this document in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: Department of Health and Senior Services

Division: Office of the Director

Chapter: Procedures for the Collection and Submission of Data to Monitor Health Maintenance Organizations

Type of Rule Making: Proposed Rule Amendment

Rule Number and Name: 19 CSR 10 - 5.010 Monitoring Health Maintenance Organizations

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities.
3	Health Plans and products	\$63,000 annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows. There are three (3) MC+ plan products in the Western region that are independently affected by this rule during the reporting year 2002. The cost is estimated at \$21,000 per product. The total annual cost to the health care plans is estimated at \$63,000.

IV. ASSUMPTIONS

Costs to the MC+ health care plans that are affected by this rule change are estimated at \$21,000 per product per plan per year. The number of affected products is calculated by determining the number of Medicaid health plan products that will be required to conduct independent, member satisfaction surveys for their enrollee populations, in accordance with the technical specifications in the rule. For the remaining plans, no new costs or additional costs are incurred. There are three (3) products that are independently affected by this rule. For these products the total cost to the health care plans, including external data collection expenses, is estimated at a \$63,000 annually.

Table A

Member Satisfaction Survey Data File Specifications

File Content

Commercial: Member satisfaction survey data for commercial plans shall be based on the version of the NCQA-required Consumer Assessment of Health Plans Study (CAHPS) Questionnaire, applicable for the reporting year. The data reported to the Department shall include the member level and summary level satisfaction survey data from the commercial adult core set of questions, plus any NCQA-mandated or -recommended items for the adult segment of the questionnaire. The data shall also include any HEDIS measures specified in Table B, for a given product line and reporting year, that are collected via the CAHPS survey tool.

Medicaid: Member satisfaction survey data for MC+ plans shall be based on the version of the NCQA-required Consumer Assessment of Health Plans Study (CAHPS) Questionnaire, applicable for the reporting year. The data reported to the Department shall include the member level and summary level satisfaction survey data from the child survey (Medicaid version) plus any additional questions required by the Division of Medical Services for the reporting year. The data shall also include any HEDIS measures specified in Table B, for a given product line and reporting year, that are collected via the CAHPS survey tool.

File format and media

The member level and summary level satisfaction survey data and their respective record layouts shall be submitted electronically, using the data submission tools (DST) specified by the Department. Other file specifications shall conform to those required by NCQA for submission of the CAHPS Questionnaire results by the certified vendors.

File consistency

Plans that elect to submit separate files for sub-groups of their enrollment population must consistently do so for all data submission categories required by this rule.

Table B
Quality Indicator Data Specifications
Reporting Period: CY 2001

Data reported for each of the indicators listed below shall conform to the NCQA HEDIS Data Submission Tool and all other HEDIS technical specifications for indicator descriptions and calculations. An "X" in the table below indicates data are to be reported for this quality indicator if the health care plan offers this product line to Missouri residents.

<u>Indicator</u>	<u>Applicable to:</u>		
	<u>Commercial</u>	<u>Medicaid</u>	<u>Medicare</u>
Childhood Immunization Status	X	X	
Adolescent Well-Care Visits	X	X	
Use of Appropriate Medications for People with Asthma	X	X	
Chlamydia Screening for Women	X	X	
Breast Cancer Screening*	X		X
Cervical Cancer Screening*		X	
Beta Blocker Treatment After Heart Attack	X		X
Cholesterol Management After Acute Cardiovascular Event	X		X
Comprehensive Diabetes Care*	X		X
Antidepressant Medication Management	X		X
Flu Shots for Older Adults (CAHPS)			X
Annual Dental Visit		X	

*The plan may elect to use the prior year's data when the indicator is subject to rotation and is off-cycle for NCQA reporting.

File Content

As applicable for each of the quality indicators listed above, except for those collected via the CAHPS questionnaire, the plans shall report the following elements from the NCQA HEDIS Data Submission Tool:

1. Data collection methodology (Administrative or Hybrid.)
2. Eligible member population (i.e., members who meet all denominator criteria.)
3. Minimum required sample size (MRSS) or other sample size
4. Number of original sample records excluded because of valid data errors.
5. Number of records excluded because of contraindications identified through administrative data.
6. Number of records excluded because of contraindications identified through medical record review.
7. Additional records added from the auxiliary list.
8. Denominator
9. Numerator events by administrative data
10. Numerator events by medical record
11. Reported rate
12. Lower 95% confidence interval
13. Upper 95% confidence interval

All data elements above shall conform to the HEDIS technical specifications, as outlined in the NCQA-published technical manuals.

Table B

Quality Indicator Data Specifications
Reporting Period: CY 2001
(continued)

File format and media

The quality indicator data shall be submitted electronically, in a data file format to be specified by the Department. All other data specifications shall conform to those required by NCQA for submission of the audited quality indicator data.

File Consistency

Plans that elect to submit separate files for sub-groups of their enrollment population must consistently do so for all data submission categories required by this rule. Health care plans that contract with the Division of Medical Services to provide coverage in more than one Medicaid region, shall submit separate quality indicator data for the enrollees in each region.

Table D**Managed Health Care Services****File Specifications**

Responses to the survey items in Table D must be submitted electronically, in a data file format specified by the Department.

Table D must be completed for each managed care product line (Commercial, Medicaid, or Medicare) offered by each licensed health care plan. Responses should be based on activity or status during the reporting period, within each product line (payer). Survey questions in Table D shall apply, except where otherwise noted, only to fully insured (ERISA exempt) enrollments.

Table D
Managed Health Care Services
Reporting Period: CY 2001

I. HEALTH PLAN INFORMATION

Instructions: Submit one set of Table D information, Parts I and II, for each product line (i.e. type of payor) offered by your organization.

1.) Product Line (CHECK ONE): ☐ Commercial ☐ Medicare ☐ Medicaid

2.) Missouri Department of Insurance Licensed Plan Name:

_____ DbA (if applicable): _____

3.) Extended NAIC Identification Number (7-digit): _____

4.) Name as marketed to your members (for Consumer's Guide display purposes):

5.) List the following for each of your products within this product line:

Marketed		-----Phone Numbers-----	
a.) <u>Product Name</u> _____	b.) <u>HMO/POS</u> _____	c.) <u>Customer Service</u> _____	d.) <u>RN Hotline</u> _____
_____	_____	_____	_____
_____	_____	_____	_____

6.) Through what organization was your managed care organization accredited as of:
December 31, 2001?

Accrediting organization: ☐ NCQA ☐ URAC ☐ JCAHO ☐ None
Level of Accreditation: _____ _____ _____

7.) Managed Care Organization Contact Person for Table D Information:

a.) Name: _____ b.) Title: _____
c.) Phone: _____ d.) Fax: _____ e.) E-mail: _____

Table D
Managed Health Care Services
Reporting Period: CY 2001

II. HEALTH PLAN SERVICES

1.) Please indicate for each of the following high risk conditions/diseases, if your managed care plan (A) has screening mechanisms, (B) provides case management, (C) provides specific educational materials to persons-at-risk, and (D) distributes educational material for all plan enrollees. (CHECK ALL THAT APPLY. SEE NOTE BELOW.)

High Risk Conditions/Diseases	(A) Screening Mechanisms	(B) Case Management	(C) Education for Persons-at-risk	(D) Education for All Plan Enrollees
Asthma	()	()	()	()
Stroke/Cardiovascular Disease	()	()	()	()
Breast Cancer	()	()	()	()
Cervical Cancer	()	()	()	()
Ovarian Cancer	(NA)	()	()	()
Colorectal Cancer	()	()	()	()
Congestive Heart Failure (CHF)	()	()	()	()
Chronic Obstructive Pulmonary Disease (COPD)	()	()	()	()
Diabetes	()	()	()	()
Depression	()	()	()	()
HIV	()	()	()	()
Sickle Cell Disorders	()	()	()	()
High Risk Pregnancy	()	()	()	()
Obesity	()	()	()	()
Lead Poisoning	()	()	()	()
Chlamydia: Females	()	()	()	()
High Blood Pressure	()	()	()	()
Alcohol/Substance Abuse:				
Adolescents	()	()	()	()
Pregnant Women	()	()	()	()
Tobacco Use	()	()	()	()
Other _____	()	()	()	()
(PLEASE SPECIFY)				

Note: Screening Mechanisms for a specific condition means 1) there is an established protocol for the plan's entire membership (health fairs or special events do not qualify under this criterion), 2) this protocol is available through the PCP's or personal physician's daily practice and 3) the screening is proactively targeted to persons at risk for the condition.

Case management is a protocol where case managers work with providers and physicians to coordinate the medical care that patients with complex or chronic illnesses need to receive. Case managers help patients take care of themselves and make sure they get the right specialists, equipment and medications.

Education strategies for all plan enrollees may include but are not limited to newsletters, periodicals, direct mailings and similar types of media campaigns.

2.) Please indicate if your managed care plan provides any of the following:

- a.) Routine distribution of educational materials
on general health promotion, disease prevention
and wellness () YES () NO
- b.) Distribution of pre- and post-surgical
information to enrollees () YES () NO

Note: The term *reminder/recall* in Questions 3a – 3b refers to notices intended to insure timely scheduling of the specific preventive screening/test or service indicated. General education materials or notices tied to anniversary dates, such as birthdays or enrollment dates, do not meet this definition.

3a.) **Commercial or Medicaid only** (If completing for a Medicare plan, skip to Question 3b)

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

- Mammograms () YES () NO
- Immunizations () YES () NO
- Pap smears () YES () NO
- Diabetic Screens/Tests () YES () NO

3b.) **Medicare only**

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

- Mammograms () YES () NO
- Immunizations () YES () NO
- Well-woman checks () YES () NO
- Diabetic Screens/Tests () YES () NO

4.) **Commercial only:** During the reporting period, did your plan manage the following health services for your ASO group contracts? For each of the health services listed below, please indicate if it was elected as a covered benefit in all the ASO contracts with your plan, in some of the ASO contracts, or in none of the ASO contracts. (CHECK ONE COLUMN ONLY)

Selected Covered Benefits:			
<u>ASO Contracts</u>			
	<u>All</u> <u>Contracts</u>	<u>Some</u> <u>Contracts</u>	<u>None of the</u> <u>Contracts</u>
Immunizations.....	()	()	()
Mammograms	()	()	()
Pap Smears.....	()	()	()

- 5.) During the reporting period, did your plan provide coverage to your non-ASO members for the following health benefits? Please indicate if the benefit item was offered as standard coverage for all non-ASO products within the product line (commercial, Medicaid or Medicare), as standard coverage only for some non-ASO products in the product line, offered only by rider clause (employer option), or not covered at all. (CHECK ONLY ONE FOR EACH BENEFIT LISTED)

	Non-ASO Products Only			
	<u>All Products</u>	<u>Some Products</u>	<u>Offered only by rider clause</u>	<u>Not Offered</u>
Rx coverage of prenatal vitamins, including folic acid.....	()	()	()	()
Contraceptives:				
Birth control pills.....	()	()	()	()
IUDs.....	()	()	()	()
Norplant.....	()	()	()	()
Depo Provera.....	()	()	()	()
Immunizations:				
Hepatitis A.....	()	()	()	()
Hepatitis B.....	()	()	()	()
Annual eye exam for refractive errors.....	()	()	()	()
Diabetic supplies..... (strips, lancets, etc.)	()	()	()	()
Insulin pumps.....	()	()	()	()
Autologous bone marrow transplants.....	()	()	()	()
Stem cell rescue for breast cancer.....	()	()	()	()
Access to chiropractic services	()	()	()	()
Psychotherapy services				
Individual.....	()	()	()	()
Group.....	()	()	()	()
Family.....	()	()	()	()
Marital.....	()	()	()	()
Substance abuse services:				
Inpatient/residential.....	()	()	()	()
Outpt./partial hospitalization	()	()	()	()
Unrestricted annual flu shots	()	()	()	()
Smoking cessation classes <u>or</u> cessation medications..	()	()	()	()
Conduct wellness surveys*	()	()	()	()

*A wellness survey is a questionnaire on health behaviors. It does not refer to a physical exam.

- 6.) For each preventive service listed below, please indicate (A) if your plan provided physicians routine status reports on the delivery of these services to their panel members and (B) if your plan sent comparative information to the physicians, during the reporting year. Following each response, enter a brief description of the report(s) or information that you sent.

	(CHECK IF YES)		(CHECK IF YES)	
	(A)		(B)	
	Plan		Plan Sent	
	Provided	Description	Comparative	Description
	Reports	of Report(s)	Data	of Report(s)
Childhood Immunizations.....	()	_____	()	_____
Adolescent Immunizations.....	()	_____	()	_____
Breast Cancer Screenings.....	()	_____	()	_____
Pap Smears.....	()	_____	()	_____
Chlamydia Screenings: Females.....	()	_____	()	_____
Lead Screenings:				
12 and 24 months.....	()	_____	()	_____
Under 6 if no prior blood test.....	()	_____	()	_____
Cholesterol Management after Acute				
Cardiovascular Event: LDL-C Screenings	()	_____	()	_____
Beta Blocker Treatment				
After Heart Attack.....	()	_____	()	_____
Comprehensive Diabetic Care:				
Hemoglobin Testing.....	()	_____	()	_____
Retinal Disease Eye Exam.....	()	_____	()	_____
LDL-C (Lipids) Testing	()	_____	()	_____
Nephropathy Screenings.....	()	_____	()	_____
Annual Flu Shots for Older Adults.....	()	_____	()	_____
Tobacco Cessation Counseling.....	()	_____	()	_____
Other (Please specify)_____	()	_____	()	_____

- 7.) Does your plan routinely conduct continuing education with your providers to improve their knowledge on current clinical practice recommendations?

() YES () NO

8.) Please indicate the administrative policies for your HMO (non-POS) plan products, as they applied to your non-ASO members during the reporting year. (CHECK A RESPONSE FOR EACH POLICY LISTED)

	<u>YES All HMO Products</u>	<u>YES Some HMO Products</u>	<u>NO No HMO Products</u>
a.) Allow access to within-network OB/GYNs other than the once per year visit without referral	()	()	()
b.) PCP must obtain prior authorization from HMO or its agency for referral to within-network, non-OB/GYN medical/surgical specialists	()	()	()
c.) Allow members to self-refer to within-network medical/surgical specialists, other than OB/GYN	()	()	()
d.) Allow members to self-refer to within-network mental health specialists	()	()	()
e.) Allow medical specialists other than OB/GYN to be designated as PCP for patients with a chronic disease	()	()	()
f.) Members can access some health practitioners, other than medical/surgical or mental health specialists, without referral or prior authorization	()	()	()

g.) If YES for all or some products on Question 8f.), list the additional types of providers that can be accessed without referral or prior authorization:

All Products

Some Products

- 9.) For each of the practitioner categories below, indicate the number you had in your plan network during the reporting year and the number of that total which your MCO verified, within the past two years, as being board certified where applicable.

	<u>Number of Practitioners</u>	<u>Number Who Are Board Certified</u>
a.) Primary Care Physicians (excluding OB/GYNs)	_____	_____
b.) Medical/Surgical Specialists (excluding OB/GYNs)	_____	_____
c.) OB/GYNs	_____	_____
d.) Chiropractors	_____	_____
e.) Mental Health Providers	_____	_____
f.) General Dentists	_____	_____
g.) Advanced Practice Nurse	_____	_____

**Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 6—Workers' Compensation and Employer's
Liability**

PROPOSED RESCISSION

20 CSR 500-6.700 Premium Discounts for Using Managed Care Programs. Section 287.320, RSMo required workers' compensation insurance companies to extend a premium credit to any employer who contracted with a state-certified managed care organization. Pursuant to section 287.320, RSMo, this rule specified how such organizations were to be certified by the Department of Insurance, how large the premium credit was to be and when the insurance companies were required to extend the credit to employers. Section 287.320, RSMo was repealed in 1993 and replaced with a new provision, section 287.135, RSMo, the requirements of which differ in a number of respects from section 287.320, RSMo.

*PURPOSE: The full text of this rule is being rescinded; it will be replaced with an entirely new rule. The Missouri Department of Insurance has decided that the changes necessary to amend the rule to conform to the requirements of section 287.135, RSMo were so numerous that it is more efficient to rescind the rule and replace it with a new rule than it is to amend the rule. A new "proposed rule" (set forth elsewhere in this **Missouri Register**) has been filed along with this "proposed rescission" to act as the replacement for this rescinded rule.*

AUTHORITY: sections 287.320, RSMo Supp. 1992 and 374.045, RSMo 1986. Emergency rule filed Aug. 31, 1992, effective Nov. 1, 1992, expired Feb. 28, 1993. Original rule filed April 14, 1992, effective Feb. 26, 1993. Rescinded: Filed Oct. 10, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rescission (and the accompanying proposed rule) on December 12, 2001, beginning at 10:30 a.m. in Room 492 of the Truman State Office Building in Jefferson City, Missouri. Opportunities to be heard at the hearing will be afforded to any interested person. Interested persons, whether or not heard, may submit written comments to the department until 5:00 p.m. on December 14, 2001. Written comments shall be sent to the Department of Insurance, Property and Casualty Section, PO Box 690, Jefferson City, MO 65102-0690, to the attention of Mark Doerner.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE
Division 500—Property and Casualty
Chapter 6—Workers' Compensation and Employer's
Liability**

PROPOSED RULE

20 CSR 500-6.700 Workers' Compensation Managed Care Organizations

PURPOSE: The proposed rule implements section 287.135, RSMo.

(1) Definitions.

(A) Access fee means the percentage of savings off the usual and customary charges for medical or rehabilitative services charged by an managed care organization (MCO) as reimbursement for access to its discounted provider network.

(B) Bill re-pricing means a system for re-pricing charges for medical services to conform to levels contractually agreed to by health care providers, facilities and hospitals and through which discounted medical services are obtained.

(C) Case management means a collaborative process by which licensed nurses experienced in the delivery of medical care under the workers' compensation system plan, coordinate, monitor and evaluate the delivery of that level of health care treatment which is necessary to assist an injured employee in reaching prompt maximum medical improvement, following prescribed medical treatment plans, and, achieving, where possible, the prompt and appropriate return to work. Case management includes "on-site case management" and "telephonic case management."

(D) Certified MCO means a workers' compensation managed care organization certified under section (15) of this regulation or re-certified under section (16) of this regulation.

(E) Cost savings analysis means a documentation of savings achieved through reduction of medical fees, coordination of utilization review management techniques, savings achieved from an early return to work, or all of the above.

(F) CPT-4 Code means a code contained in the *Current Procedural Terminology* published by the American Medical Association.

(G) Department means the Missouri Department of Insurance.

(H) Hospital bill auditing means a service designed to review the accuracy and applicability of hospital charges as well as to evaluate the medical necessity of all services and treatment rendered.

(I) ICD-9 Code means any of the disease codes in the *International Classification of Diseases, Ninth Revision, Clinical Modification*, published by the United States Department of Health and Human Services.

(J) Insurer means any person or entity defined under sections 375.932 or 375.1002, RSMo, authorized to provide workers' compensation insurance in Missouri. The term shall include any employees, agents, third party administrators (TPAs) or others acting on behalf of such insurers.

(K) Managed care organization (MCO) means an organization, such as a preferred provider organization (PPO), a health maintenance organization (HMO) or other, direct employer/provider arrangements, designed to provide the appropriate procedures and incentives to medical providers to manage the cost and utilization of care associated with claims covered by workers' compensation insurance. Unless the context clearly requires otherwise, when the term MCO is used in this regulation, it will mean an MCO certified under the provisions of this regulation.

(L) MCO administrative fee or administrative fee means any fee or charge for the reimbursement of the administrative services of an MCO, as opposed to any fee or charge for the reimbursement of a health care provider for the rendition of health care services. Such fees reimburse the MCO for the cost of organizing a network of health care providers, negotiating provider reimbursement rates, re-pricing bills, hospital bill auditing, provider bill auditing, tracking and coordinating care, pre-certification, utilization review and other MCO administrative functions. An MCO administrative fee may be in the form of an access fee, a percentage of savings off a provider's billed charges, a percentage of savings off average usual and customary fees, or some other form.

(M) On-site case management means case management performed in person by the case manager as the location requires.

(N) Payor means an insurer or TPA responsible for paying workers' compensation-related claim, including a bill for the fees of an MCO required to be reimbursed under this regulation.

(O) Pre-certification means the process of reviewing planned non-emergency medical care to assure said care conforms with an MCO's current managed care procedures.

(P) Provider bill auditing means a computer assisted retrospective service which verifies the accuracy and applicability of provider charges, their conformity with usual and customary charges and their conformity with any discounts from usual and customary charges or other adjustments negotiated between the provider and the MCO. Provider bill auditing also verifies causal relationships between injury and treatment, the necessity of treatment and the accuracy of medical bills prior to recommending payment.

(Q) Qualified actuary means a fellow or member of the Casualty Actuarial Society.

(R) Supplemental MCO application forms means the form included in Exhibit B of this regulation or, in the alternative, any other form approved for use by the department which performs the same function.

(S) Telephonic case management means case management conducted by telephone, e-mail, or facsimile machine.

(T) TPA means an administrator as defined under sections 376.1075 to 376.1095, RSMo.

(U) URAC means the Utilization Review Accreditation Commission.

(V) Utilization review (UR) means a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, prospective review, second opinion, pre-certification, concurrent review, discharge planning or retrospective review. For purposes of this regulation, utilization review shall not include case management.

(W) Usual and Customary Fee Receipt, as required under subsection 3 of section 287.140, RSMo, means a charge by a health care provider for a treatment or service compensable under the workers' compensation law which is no greater than the fee received by the provider when the payor for such service is a private individual or a private health insurance carrier.

(2) Employers Shall State a Preference on Using an MCO.

(A) Under this regulation, an insured employer shall indicate whether or not he/she intends to use a workers' compensation MCO to manage the medical costs of work-related injuries and, if he/she does intend to use such an MCO, what MCO he/she would prefer. That preference will be set forth in writing on a Supplemental MCO Application Form as set forth at Exhibit B of this regulation, included herein, or an alternative form approved by the department. For newly issued policies, a Supplemental MCO Application Form shall be executed by the employer as part of his/her application for coverage and shall be submitted to the insurer along with the application. For any policy which is already in force on the effective date of this regulation and which covers a term of one (1) year, a Supplemental MCO Application Form shall be executed by the employer prior to any renewal of the policy. For any policy which is already in force on the effective date of this regulation and which covers a term of more than one (1) year, a Supplemental MCO Application Form shall be executed before the first annual anniversary date of the policy that occurs after the effective date of this regulation.

(B) The employer's specification of a preference as to the use of an MCO shall be deemed to be the employer's preference from the date the policy is issued and thereafter during all the subsequent uninterrupted renewals of that policy. An employer need not re-execute a Supplemental MCO Application Form for each renewal of a policy unless the employer would like to change

his/her previously stated preference. Should an employer desire to change a previously stated preference mid-term, the employer should inform his/her agent who should in turn inform the insurer's MCO contact person, to determine whether the insurer is willing to continue coverage in concert with a new MCO.

(C) The insurer shall provide the insured or prospective insured a copy of the Supplemental MCO Application Form upon its completion by the employer. The insurer shall retain a copy of the completed Supplemental Application Form in its records, as part of the application, in accordance with regulation 20 CSR 300-2.200.

(3) Employer Options for Selecting an MCO.

(A) An employer may indicate his/her MCO preference by electing one (1) of the following options on a Supplemental MCO Application Form:

1. The employer may elect not to use any MCO;
2. The employer may elect to use only the MCO or MCOs with which the employer's insurer or prospective insurer has a contract under subsection (7)(E) of this regulation;
3. The employer may elect to use both the MCO or MCOs with which the employer's insurer or prospective insurer has a contract under subsection (7)(E) of this regulation and also a different MCO or MCOs of his/her own choosing. Regarding the MCO or MCOs of his/her own choosing, the employer shall also specify:

A. Whether the employer elects to have his/her insurer or prospective insurer pay any administrative fees of such an MCO; or

B. Whether the employer will pay any administrative fees of any such MCO himself/herself;

4. The employer may elect not to use any MCO with which the employer's insurer or prospective insurer has a contract under subsection (7)(E) of this regulation, but to instead use a different MCO or MCOs of his/her own choosing. Regarding the MCO or MCOs of his/her own choosing, the employer shall also specify:

A. Whether the employer elects to have his/her insurer or prospective insurer pay any administrative fees of such an MCO; or

B. Whether the employer will pay any administrative fees of such an MCO himself/herself.

(B) The department's web site shall contain information explaining the above options. Each Supplemental MCO Application Form shall contain a copy of the department's web site address from which this information can be obtained.

(4) Effect of Insurer Response to an Employer's Specification of a Preference for an MCO.

(A) If an employer has stated a preference for an MCO on a Supplemental MCO Application Form, which either has accompanied the employer's application for coverage or is submitted to the insurer prior to a renewal of coverage, and the insurer issues a policy to that employer or continues coverage, then the insurer shall be deemed to have acquiesced to the MCO option specified by the employer, as follows:

1. If the employer has specified that no MCO be used, then the insurer or prospective insurer will be deemed to have agreed to reimburse any health care providers selected by the employer at reimbursement levels authorized under section 287.140.3, RSMo;

2. If the employer has specified he/she will use any MCOs selected by his insurer or prospective insurer, then the insurer shall be deemed to have agreed to make such MCOs available for use by the employer and the employer's employees. The insurer shall coordinate and integrate its systems, reimburse MCO administrative fees and recognize health care provider discounts under terms agreed to in operating agreements between such MCOs and the insurer under subsection (7)(E) of this regulation;

3. If the employer has specified he/she will use both the MCO or MCOs selected by his/her insurer or prospective insurer and a different MCO or MCOs of his/her own choosing, then:

A. For those MCOs with which it has a contract under subsection (7)(E), the insurer or prospective insurer shall be deemed to have agreed to coordinate and integrate its systems, reimburse MCO administrative fees and recognize health care provider discounts under terms agreed to in operating agreements between such MCOs and the insurer under subsection (7)(E) of this regulation;

B. For those MCOs which the employer has himself/herself chosen and for which the employer has also elected to have the insurer to pay the MCO's administrative fees, the insurer or prospective insurer shall be deemed to have agreed:

(I) To coordinate and integrate its systems under section (7) of this regulation;

(II) To accept and process MCO administrative fee invoices under section (8) of this regulation;

(III) To recognize MCO discounts under section (9) of this regulation; and

(IV) To reimburse MCO administrative fees under sections (10) and (11) of this regulation; and

C. For those MCOs which the employer has himself/herself chosen and for which the employer has also agreed to pay the MCO's administrative fees himself/herself, the insurer or prospective insurer shall be deemed to have agreed:

(I) To coordinate and integrate its systems under section (7) of this regulation; and

(II) To recognize MCO discounts under section (9) of this regulation; and

4. If the employer has specified he/she will not use the MCO or MCOs selected by his/her insurer or prospective insurer and will instead use a different MCO or MCOs of his own choosing, then:

A. For those MCOs for which the employer has also elected to have the insurer pay the MCO's administrative fees, the insurer or prospective insurer shall be deemed to have agreed:

(I) To coordinate and integrate its systems under section (7) of this regulation;

(II) To accept and process MCO administrative fee invoices under section (8) of this regulation;

(III) To recognize MCO discounts under section (9) of this regulation; and

(IV) To reimburse MCO administrative fees under sections (10) and (11) of this regulation; and

B. For those MCOs which the employer has himself/herself chosen and for which the employer has also agreed to pay the MCO's administrative fees himself/herself, the insurer or prospective insurer shall be deemed to have agreed:

(I) To coordinate and integrate its systems under section (7) of this regulation; and

(II) To recognize MCO discounts under section (9) of this regulation.

(B) An insurer may also decline to issue a policy based on the employer's specification of an MCO. If an insurer has a written MCO policy, communicates that MCO policy to its agents, and adheres to that MCO policy, then that insurer shall not be considered to have engaged in any unfair discrimination if it treats otherwise similarly situated employers differently as to availability of coverage as a result of its adherence to that written MCO policy.

(C) If an insurer issues or renews a policy in acquiescence to the employer's selection of an MCO option, the insurer shall attach an endorsement to the policy reflecting that decision. The insurer shall also issue a new endorsement as necessary to reflect any change in the employer's selected MCO option that the insurer has agreed to under subsection (2)(B) above. Any endorsement form used under this subsection, whether it be a form developed by an

individual insurer or a standardized form developed by a third party, shall be approved by the department prior to use.

(D) If an insurer has issued or renewed a policy for which the employer has specified an MCO which is not an MCO also under contract with the insurer, it shall be the responsibility of the insurer to notify the MCO of the insurer's acquiescence to the employer's preference. The insurer may satisfy this responsibility by providing the MCO with a copy of the Supplemental MCO Application Form as completed by the insurer or with a copy of the MCO endorsement added to the employer's policy.

(E) It shall also be the insurer's responsibility to notify the MCO if there is any change in the employer's coverage that effectively terminates his/her choice of MCO or the insurer's acquiescence to that choice. Any such notice shall be in writing.

(5) Disclosure by Insurers of their Policy on MCOs Prior to Application.

(A) An insurer shall develop a written policy on MCOs if it intends to exercise the option of declining coverage based on an employer's choice of MCO. Other insurers may develop such MCO policies if they see fit to do so. Any insurer that develops an MCO policy shall communicate this policy to its agents, who shall in turn communicate this policy to each employer before the Supplemental MCO Application Form is completed. In particular, an employer should be notified by an insurer or its agent whenever the MCO preference being contemplated by the employer could lead to a declination of coverage for that employer by the insurer.

(B) An employer shall be fully appraised of his/her MCO options and the insurer's likely reaction to the exercise of those options by the insurer or by the insurer's agent. The insurer should provide the employer with the insurer's written MCO policy if the insurer has developed such a policy and the employer should be told that more information on MCOs is available from the department at the addresses and contact numbers listed on the Supplemental MCO Application Form.

(C) If, during the policy term, the insurer changes its MCO policy in a fashion which brings it in conflict with the employer's stated MCO preference or has decided not to renew the employer's coverage due to the employer's MCO preference, the insurer shall communicate that fact to the insured in writing. The insurer shall accompany said notice with a copy of an amended written MCO policy developed by the insurer in accordance with section (6) of this regulation, and it shall provide the insured with a properly executed nonrenewal notice as required by law, if such nonrenewal is consistent with the insurer's MCO policy, provided that the insurer shall not be permitted to cancel policies mid-term due to a change in its MCO policy.

(6) Contents of Insurer MCO Policies.

(A) An insurer's MCO policy may include, but is not limited to, the following:

1. Whether the insurer will reimburse, coordinate with and integrate with employer-selected MCOs in general, or with specific MCOs in particular;

2. Whether the insurer will limit its interaction with MCOs to those MCOs with which the insurer has a contract under subsection (7)(E) of this regulation;

3. Whether there are any geographic limitations or geographic conditions on the insurer's MCO policy;

4. Whether the insurer's MCO policy is conditioned on any other factors, such as an employer's governing job classification, an employer's activities in other states or an employer's premium size;

5. Whether any debits or credits will be applied to the employer's insurance premium as the result of the MCO option ultimately selected; and

6. Any other factors the insurer considers relevant to the insurer's policy on MCOs.

(B) An insurer may modify its policy on MCOs from time to time. Each new version of the MCO policy will have a specified prospective effective date. A written copy of the insurer's past and present MCO policies shall be retained by the insurer's MCO contact person described in section (7) of this regulation.

(C) If an insurer develops a written MCO policy, communicates that MCO policy to its agents, and adheres to that MCO policy, then that insurer shall not be considered to have engaged in any unfair discrimination if it treats otherwise similarly situated employers differently as to the terms or availability of coverage as a result of adherence to that written plan.

(D) The department encourages each insurer to develop an MCO policy that allows employers the greatest freedom of choice of MCOs as is possible, consistent with the insurer's own organizational needs, structure and goals. In particular, the department encourages insurers to allow employers the flexibility to select an MCO in cases where the MCO with which the insurer has a contract under subsection (7)(E) does not serve the principle geographic areas wherein the employer conducts the majority of its business operations.

(E) Nothing in this section authorizes an insurer to require an insured employer to utilize the services of an MCO selected by the insurer as condition precedent to the payment by the insurer of individual claims required to be paid under Missouri law. The insured employer shall retain the right to select the health care provider as authorized under subsection 10 of section 287.140, RSMo. Although the insurer may not require the employer to use a particular health care provider, it may discuss that selection with the employer. An employer may also voluntarily agree to use the providers in an MCO network selected by the insurer if the employer so chooses.

(F) It shall be permissible for an insurer to debit an employer's policy at audit for use of providers outside the MCO network specified by the employer so long as the insurer has previously communicated the possibility of such a debit to the employer via its written MCO policy.

(7) Coordination of Insurer and MCO Systems.

(A) An insurer that develops a written MCO policy shall file said policy, and any updates thereto, with the department. In addition to the written policy, the insurer shall designate an MCO contact person within its organization to whom inquiries about MCO-related issues can be directed from employers, employees, providers and MCOs. The insurer shall inform the department of this designation, and of any changes to this designation whenever they occur.

(B) Each workers' compensation MCO certified in Missouri shall designate an MCO contact person within its organization to whom inquiries about MCO-related issues can be directed from employers, employees, providers and insurers. The MCO shall inform the department of this designation, and of any changes to this designation whenever they occur.

(C) The department shall maintain a list of all insurer and MCO contact persons and shall make such information available upon request.

(D) Unless voluntarily agreed to otherwise by an insurer and an MCO, an insurer shall be required to coordinate and integrate its systems with those of an MCO only as follows:

1. It shall maintain a current listing of an MCO contact person with the department, as required under this section;
2. It shall inform prospective insureds and renewing insureds of its policy on MCOs, as required under section (2) above;
3. It shall accept MCO Administrative Fee Invoices under the default billing procedure as described in section (8) below if the insurer has agreed to pay the MCO's administrative fees by having issued an insurance policy to an employer who has specified a preference for such payment by the insurer;
4. It shall recognize MCO discounts under section (9) below;

5. It shall reimburse the MCO for its services to the extent required under the default reimbursement procedures as described in sections (10) and (11) below; and

6. It shall confer as necessary with the medical providers of the MCO to coordinate the treatment of the injured worker.

(E) In accordance with the provisions of subsection 3 of section 287.135, RSMo, an insurer and an MCO may enter into voluntary agreements which accomplish the purposes of reimbursing MCO administrative fees and coordinating and integrating the systems of the insurer and the MCO which differ from the requirements of this regulation relating to these matters. To the extent such voluntary agreements are in place, they supercede the provisions of this regulation relating to these matters, provided however, that the department may require the insurer or the MCO to produce such agreements for the purpose of the department's verification of their existence, extent and time period.

(8) Default Billing Procedure, MCO Administrative Fee Invoices, Alternatives.

(A) MCOs shall attach or include, at a minimum, as part of any bill to an insurer that has agreed under this regulation to reimburse the MCO for MCO administrative fees associated with work-related illnesses or injuries, an MCO Administrative Fee Invoice containing the following information:

1. MCO name;
2. MCO address;
3. MCO telephone number and facsimile number;
4. MCO billing contact person name;
5. Employer name;
6. Employer policy number;
7. Employer Federal Employer Identification Number (FEIN) number;
8. Injured employee name;
9. Employee Social Security Number (SSN);
10. Provider name;
11. Provider date-of-service; and
12. Documentation or explanation of MCO charges, which shall, at a minimum, include the following:
 - A. The date of service;
 - B. A description of the service;
 - C. The CPT or ICD-9 Code for the service;
 - D. The amount charged by the provider;
 - E. The amount allowed by the MCO (and, if appropriate whether this amount is based on a non-standard discount);
 - F. The saving realized by using the MCO network for that service;
 - G. The MCO's access fee;
 - H. The total MCO charges due (if more than one (1) service is listed);
 - I. An invoice date; and
 - J. An invoice number.

(B) An MCO shall submit its MCO Administrative Fee Invoice under subsection (8)(A) to insurers attached to a copy of the billing form from the medical provider which complies with the provisions of regulation 20 CSR 400-8.300, such as a UB-92 form or a HCFA 1500 form.

(C) MCO requests for reimbursement shall include both the MCO's administrative fees and, separately, the discounted charge for the provider's services. An insurer shall reimburse the two (2) charges separately.

(D) The insurer is not required to reimburse for MCO administrative fees if the insurer has not received a claim relating to injury or illness to which the services relate. In addition, an insurer is not required to accept MCO requests for reimbursement which are more than six (6) months after the date on which the services were rendered, unless the delay for the request for payment was not the fault of the MCO. MCO billing systems shall retain information on the date on which the original request for payment was made.

(E) MCOs are authorized and encouraged to list their requested reimbursement both as a dollar amount equal to a percentage of savings off the provider's billed charge, and as a percentage of savings that the discounted bill represents off the average, usual and customary fee of all providers for the service in question. When listing the savings off average, usual and customary fees, the MCO shall list the database relied upon to determine the usual and customary amount.

(F) Individual insurers and MCOs are authorized to enter into alternative billing arrangements under subsection 3 of section 287.135, RSMo. Any such alternative arrangements will take precedence over the provisions of this section.

(9) Insurer Responsibility for Recognizing MCO Discounts.

(A) An insurer shall recognize and honor the discounts on health care provider charges negotiated by the MCO as indicated on the MCO's Administrative Fee Invoice. However, if the insurer believes that the provider charge, even after the MCO's discount, is still in excess of what is allowed under section 287.140, subsection 3, RSMo, it may appeal the amount of the discounted health care provider charge under that subsection to the appropriate state agency.

(B) In cases where an employer's insurer reimburses a health care provider for the full amount of the provider's billed charges in violation of subsection (A) of this section, the employer may appeal any such overpayment to the department if that overpayment is used in the calculation of the employer's experience modification factor. The department shall direct the National Council on Compensation Insurance (NCCI) to correct the employer's experience modification factor if the evidence indicates that the bill was paid in full despite the fact that the insurer was obligated to recognize such discounts under this regulation.

(10) Default Reimbursement Procedure, Alternatives.

(A) For an insurer to be required under this regulation to reimburse an MCO administrative fee charged by an MCO, that fee must:

1. Relate to an injury or illness that is compensable under Chapter 287, RSMo;
2. Relate to a medically necessary procedure or a determination of medical necessity;
3. Relate to a medical claim that has previously been reported to the insurer by the employer;
4. Relate to an employer who has a contract with the insurer for workers' compensation insurance that covers the injury or illness;
5. Be from an MCO which, on the date of the bill charge, is fully certified under section (12) of this regulation;
6. Be from an MCO for which the employer has stated a preference on his/her application for insurance and which has coordinated and integrated its systems with those of the insurer under section (7) of this regulation;
7. Be the MCO's normal reimbursement fee; and
8. Be reasonable under section (11) below.

(B) If an MCO administrative fee meets the requirements of subsection (A) above, an insurer shall be obligated to pay the MCO fee stated on the MCO Administrative Fee Invoice, so long as the fee is the MCO's standard fee. That fee may be listed as a percentage of savings off billed charges or as a percentage of savings off usual and customary charges, or both, in accordance with subsection (8)(E) above.

(C) Individual insurers and MCOs are authorized to enter into reimbursement arrangements under subsection 3 of section 287.135, RSMo. Any such alternative arrangements will take precedence over the provisions of this section.

(11) Dispute Mechanism over MCO Fees.

(A) Under subsection 3 of section 287.135, RSMo, MCO fees are required to be reasonable in relation both to the managed care services provided and to the savings that result from those services.

(B) If an insurer has issued a policy of workers' compensation insurance to an employer who has stated on the Supplemental MCO Application Form that the employer has a preference for a particular MCO and also that the employer elects to have the insurer reimburse the administrative fees of that MCO, then it shall be presumed that the insurer has agreed to reimburse any named MCO at the MCO's usual rate of reimbursement, and also that the MCO's rate of reimbursement is therefore reasonable under subsection (A) above.

(C) If an employer has elected on a Supplemental MCO Application form that he/she will use any MCOs under contract with the insurer and also another specified MCO or MCOs of his/her own choosing, whether a particular MCO of the multiple MCOs so selected is owed any administrative fee will depend in individual cases on whether or not the health care provider to whom the injured employee is referred is in the particular MCO's network and also whether the employer referred the employee to that provider after consulting the particular MCO. Where a health care provider is a member of both a network under contract with the employer's insurer and also a separate network selected by the employer, an insurer will be permitted to assume that the employee was referred to the provider after consulting with personnel of the insurer or the insurer's contract MCO, and therefore the insurer will be authorized to reimburse its contract MCO for its administrative fee in accordance with that contract. The insurer will not be obligated to pay the administrative fee of the separate MCO chosen by the employer unless it receives an MCO Administrative Fee Invoice attached to a bill from the health care provider who is in both networks. If the provider bill is initially received by the insurer without an MCO Administrative Fee Invoice and is later received a second time, attached to an MCO Administrative Fee Invoice, the insurer is nevertheless not required to honor that invoice if the provider bill has already been paid. In such a case, the only recourse for the separate MCO chosen by the employer is to take up the matter with the provider as a violation of the provider's contract with the MCO, a provision of which addresses this issue under paragraph (14)(A)7. of this regulation.

(D) If, in an individual case, the insurer disputes the amount of the underlying provider charge from which the MCO's fee is derived, the insurer may initially satisfy its obligation under this subsection by paying the MCO an administrative fee that is the equivalent to thirty-three and one-third percent (33 1/3%) of the difference between the average usual and customary fee for the medical procedure in question and the discounted provider charge indicated by the MCO on the MCO Administrative Fee Invoice. If this amount fails to satisfy the MCO, it may appeal the insurer's payment to the department. If the MCO can produce evidence to indicate the underlying provider charge is indeed the provider's usual and customary fee receipt as defined in section 287.140, subsection 3, RSMo the department may require the insurer to reimburse the MCO for any remaining unpaid portion of the MCO fee.

(12) Certification of MCOs.

(A) An MCO certified under this regulation is entitled to have its MCO administrative fees paid by an insurer to the extent such payment is required under this regulation.

(B) In order to be certified, an MCO must meet the following requirements except to the extent exempted under subsection (12)(C):

1. The MCO network requirements of section (13) of this regulation;
2. The MCO contract requirements of section (14) of this regulation; and

3. Comply with the certification procedures required under section (15).

(C) An MCO will be deemed to have met the network requirements of section (13) of this regulation to the extent it has met the URAC Utilization Review, Case Management and Network accreditation standards. Any MCO seeking an exemption under this provision shall nevertheless provide the department any materials necessary to document that accreditation or the particulars of the MCO's network.

(13) MCO Network Requirements. In order to be certified by the department and retain that certification, a workers' compensation MCO shall possess the following characteristics:

(A) A written organizational philosophy which has as a primary goal the use of appropriate procedures and incentives to medical providers to manage the cost and utilization of care associated with claims covered by workers' compensation insurance, and which is managed in Missouri and elsewhere by personnel with experience at successfully achieving this goal;

(B) A network of appropriately-licensed health care providers who have been selected and retained through a provider selection and peer review process as being willing and experienced at providing prompt medical care for work-related injuries and illnesses. The network shall, at a minimum, possess the following types of providers:

1. Medical doctors and surgeons;
2. Orthopedic surgeons;
3. Neurologists and neurosurgeons;
4. Physical and occupational therapists;
5. Psychologists and psychiatrists;
6. Diagnostic, laboratory and radiology services;
7. Hospital, outpatient and emergency care services; and
8. Plastic surgeons;

(C) A system of both appropriately-licensed and experienced personnel and facilities to provide, either in a hospital setting or through stand-alone centers, rehabilitation services as are appropriate to the individual injured employee. The MCO's rehabilitative services shall at a minimum include the following:

1. Comprehensive in-patient rehabilitation;
2. Chronic pain management programs;
3. Out-patient rehabilitation programs; and
4. Work-hardening programs;

(D) The ability to provide a system of appropriately-licensed and experienced personnel to provide the following types of ancillary managed care services in accordance with protocols established by the MCO, as modified by any particular agreements with individual employers or insurers. Unbundling of these services is permissible and may be necessary in order to coordinate and integrate the systems of the MCO with those of particular insurers:

1. Pre-certification and prospective utilization review by licensed registered nurses;
2. Concurrent utilization review by licensed registered nurses;
3. Telephonic case management by licensed registered nurses;
4. On-site case management by licensed registered nurses;
5. Retrospective utilization review by licensed registered nurses;
6. Provider bill auditing;
7. Hospital bill auditing;
8. Bill re-pricing;
9. Cost savings analysis;
10. Educational services for employers;
11. A continuing education program for network providers and other personnel; and
12. Data collection and reporting capabilities under section (17) of this regulation;

(E) A system of coordinating medical care, rehabilitation care and ancillary managed care services to manage the cost and utilization of care associated with claims covered by workers' compensation insurance while achieving prompt and appropriate maximum medical improvement and, where possible, prompt and appropriate return to work, under the direction of a medical director experienced with the Missouri workers' compensation system;

(F) Convenient access to the medical care and rehabilitative care services available through the MCO. Such convenient access shall include:

1. Telephonic access to the MCO for information and suggested referrals to area providers;
2. Twenty-four (24) hour emergency care;
3. Examinations and or evaluations within forty-eight (48) hours of request;
4. Other services accessible at reasonable times to all injured employees;
5. An adequate number of network providers for convenient access at any given location, with protocols for accessing non-network providers where necessary; and
6. MCO service areas which require an injured employee to cross no more than one (1) county boundary to receive treatment, except to the extent the MCO will absorb any travel expenses, or to the extent such travel is authorized by the insurer;

(G) A program to encourage network providers and other MCO medical personnel to receive continuing education annually on relevant topics related to occupational medicine, workers' compensation insurance, and the management of the care thereof, including such possible topics as:

1. Developments in occupational medicine;
2. Trends in the causes of work-related injuries or illnesses;
3. Techniques for avoiding common workplace hazards;
4. Options for return-to-work decision making;
5. Vocational rehabilitation;
6. Reporting requirements and other special provider requirements under the system;
7. Required treatment parameters;
8. Determining disability ratings;
9. Determining maximum medical improvement;
10. Permanent partial disability management;
11. Fraudulent claims;
12. Cases which have led to disputes;
13. Statutory, regulatory and case law developments; and
14. Developments in the managed care market;

(H) A billing procedure which conforms to the requirements of section (8) of this regulation;

(I) A system for analyzing the savings realized by employers utilizing an MCO, both in the aggregate and for specific employers;

(J) A data collection and reporting system which conforms to the requirements of section (17) of this regulation; and

(K) An internal dispute resolution procedure which informs participating employees of how, where and with whom to file a grievance and has grievances reviewed by someone within the organization of the MCO not involved in the underlying elements of the dispute, who promptly investigates the surrounding circumstances and provides a written explanation to the employee of the outcome of the investigation and recommendations for resolving the dispute, including notification of any right of appeal to the department or, where the issue relates to the appropriateness or necessity of medical treatment, to the Division of Workers' Compensation.

(14) MCO Contract Requirements.

(A) A department-certified MCO shall execute a written agreement with each participating health care provider setting forth the terms of the relationship between the MCO and the provider. In addition to any other provisions, such written agreements shall include the following provisions:

1. An agreement to maintain the confidentiality of information related to each injured employee;

2. An agreement by the provider to provide to the MCO any diagnosis, medical history, treatment plan, prognosis, return-to-work date or other medically- or rehabilitation-related information or documents requested by the MCO;

3. An agreement to adhere to the prohibition against billing the injured employee as set forth in section 287.140, subsection (13) RSMo;

4. An agreement by the provider to confer with the injured employee and with the MCO regarding the proposed course of treatment of the injured employee when requested;

5. An agreement by the provider to accept as reimbursement for medical services provided to an injured employee of an employer under contract with the MCO a fee based on a stated discount applied to the provider's usual and customary fee receipt for that service, or provisions which have this effect. Such agreement shall also provide for the re-pricing of a bill after the fact should the bill have been sent by mistake to the insurer instead of being sent to the MCO first, for re-pricing;

6. An agreement to request reimbursement for any medical services provided to an injured employee of an employer under contract with that MCO promptly enough so that the MCO can send the provider's bill and the MCO corresponding re-pricing sheet to the employer's insurer within sixty (60) days of the date the medical services were provided;

7. An agreement by the provider to send medical bills for those medical services provided to an injured employee of an employer under contract with that MCO and referred to the provider by that MCO, to that MCO so it may attach its MCO Administrative Fee Invoice to the bill, in compliance with the standardized billing requirements of section (8) of this regulation, rather than the provider sending the bill directly to the payor for payment; and

8. Such other conditions regarding the conditions, term and termination of the agreement as the parties deem appropriate.

(B) A certified MCO shall execute a written agreement with each participating employer setting forth the terms of the relationship between the MCO and the employer and the anticipated period of the agreement. In addition to any other provisions, such written agreements shall include the following provisions:

1. That the employer and the MCO have entered into an agreement under which the medical and rehabilitative treatments for injuries to the employer's employees compensable under the Missouri Workers' Compensation Law shall, at the employer's direction and control, in accordance with section 287.140, RSMo, be directed to the MCO for treatment;

2. That the employer and the MCO have selected a named contact person to be responsible for carrying out their respective responsibilities under the agreement. Should either the employer or the MCO change their designated contact person, they shall notify the other of the change as soon as is practical;

3. That either party may terminate the agreement upon written notice to the other;

4. That nothing in the agreement shall alter the employer's contractual duty under his/her workers' compensation insurance policy to notify his/her insurer of the occurrence of an injury;

5. The method and amounts for the MCO's services which shall be reimbursed by the employer, if any, the terms of the MCO's standard discounting arrangement with its providers and a fee disclosure list which lists any fees associated with the following activities and whether they will be charged to the employer or the employer's insurer:

- A. Pre-certification;
- B. Prospective utilization review;
- C. Concurrent utilization review;
- D. Telephonic case management;
- E. On-site case management;

F. Retrospective utilization review;

G. Provider bill auditing;

H. Hospital bill auditing;

I. Bill re-pricing;

J. Cost savings analysis;

K. Educational services for employers;

L. Continuing education for network providers and other personnel; and

M. Data collection and reporting services; and

6. That an employer's insurer retains the right to review and contest the compensability, reasonableness or appropriateness of provider services.

(15) Certification Procedure.

(A) For purposes of obtaining the department's certification of an MCO, the organization shall provide the department with the following materials:

1. The MCO's, name, address, telephone, fax and e-mail addresses or numbers;

2. A general diagram of the MCO's organizational structure;

3. A listing of the MCO's officers, directors, managers and other personnel;

4. A thorough description of the MCO's experience with the management of health care costs associated with workers' compensation claims and with other health care claims, particularly of those persons who will be associated with the Missouri MCO's operations;

5. A description of how the quantity and quality of care will be managed by the MCO;

6. The MCO's most recently audited financial report;

7. The geographic area, by county, the MCO plans to serve;

8. A copy of the Missouri certifications for any UR firms which will be available for use by the MCO, if requested by the employer's insurer;

9. A copy of the current medical license of the MCO's medical director, as well as any relevant board certifications, such as a board certification for occupational medicine, as well as similar documentation for the Missouri-based assistant medical director, should the medical director not be a Missouri resident. Where one or both of the above parties lacks board-certification in occupational medicine, the MCO shall also provide a copy of that provider's curriculum vitae describing the provider's prior experience, including prior experience with the management of workers' compensation injuries and illnesses;

10. An explanation of the MCO's provider selection and written credentialing process;

11. A complete list of all primary care physicians, subspecialist physicians, rehabilitation centers, hospitals and work hardening centers to be employed by the organization, divided by county or city not within a county;

12. An explanation of the compensation arrangement(s) the MCO plans to use to fund its operations;

13. A description of any discounts applied to the usual and customary fee receipts of network providers, or categories of providers, negotiated by the MCO, as well as any other arrangements designed to manage the cost or use of care;

14. Copies of any MCO/provider and MCO/employer contracts to be used which shall include the required provisions set forth in section (14) of this regulation;

15. An analysis of the estimated savings to employers and insurers resulting from the use of the MCO. The analysis shall, at a minimum, include estimates of savings off billed charges, savings off usual and customary fee receipts, average cost per claim and average number of days lost due to illness or injury. The analysis shall be signed by a qualified actuary, who shall also include a brief description of his or her prior experience with workers' compensation insurance and with managed care organizations, as well as an explanation of the methodology by which the above estimates

were calculated. In providing this analysis, the actuary shall rely on the Actuarial Standards of Practice No. 8 and No. 16 adopted by the Actuarial Standards Board, in addition to any other relevant standards of practice. The actuary shall be prepared to discuss the methodology and conclusions of his/her analysis with personnel from the department, prior to certification;

16. The outline of the operation of the MCO to be provided to employers explaining their rights and responsibilities;

17. Copies of all marketing materials; and

18. Any other materials requested by the director.

(B) The materials required under subsection (15)(A) shall be collected in the order set forth above, in a main binder, separated by appropriately-labeled dividers, provided however, that any materials the MCO considers to be confidential in nature, such as MCO/provider reimbursement information, shall be placed in a supplementary binder, with appropriate cross references in the main binder where the confidential materials would otherwise have been placed. Confidential materials shall be handled by the department in accordance with the provisions of regulation 20 CSR 10-2.400, although any MCO which files materials labeled as confidential may be contacted by the department and discouraged from so filing.

(C) The materials specified in this section shall be retained by the department. Any significant changes to the nature of the MCO's operations as reflected in these materials shall be reported to the department, but these reports need not be made more than twice a year, as measured from the date of the granting of any certification, except for the MCO's list of providers for the department's web site, which shall be updated at least quarterly, and except for marketing materials, which shall be delivered to the department prior to their use.

(D) The department shall review these documents and grant certification, on the form contained in Exhibit A of this regulation, included herein, to those MCOs deemed to meet the criteria set forth in this regulation. Any departmental decision to deny certification shall be accompanied by a written explanation by the department of the reasons for denial.

(E) An MCO which is accredited under the National Workers' Compensation Standards of the American Accreditation HealthCare Commission/URAC shall be deemed to meet the standards of this section and section (13) regarding the adequacy of the MCO's network of providers. Such an MCO shall submit proof of its URAC accreditation to the department and shall provide any supplemental materials requested by the department, in addition to the other materials required under this section.

(F) The department shall designate the geographic extent to which a certified MCO's certification applies, for purposes of reimbursement under this regulation. As part of the certification process, the MCO shall provide the department with a series of maps indicating the location of its providers, as follows:

1. The department shall provide a map of the state of Missouri showing the names and boundaries of each county;

2. The MCO shall make duplicates of said map and shall label successive copies for "Primary Care Physicians," "Specialists," "Hospitals," and "Rehabilitation Centers";

3. The MCO shall, on the successive maps, place the number of providers of the type indicated on the label within the boundaries of each of the counties where said providers are located;

4. The department shall review the completed provider maps and grant a service area to the MCO which includes every county wherein all available types of providers are present in the network, as well as any counties bordering said counties; and

5. The MCO's service area shall be listed by county in the current list of certified MCOs, which is to be maintained by the department under section 287.135, RSMo, and provided to the Division of Workers' Compensation.

(16) Re-Certification Procedure.

(A) Any MCO which desires re-certification under this regulation shall submit the materials required under section (15) indicating any significant changes to its organization thirty (30) days prior to the anniversary date of its current certificate of authority. Each previously-certified MCO which is re-certified under this regulation, and each newly-certified MCO, shall thereafter annually file for re-certification at least thirty (30) days prior to the anniversary date of the certification granted under this regulation, to continue that certification.

(B) Upon initial certification and initial re-certification, an MCO shall pay a filing fee one thousand dollars (\$1,000), made payable to "Missouri Department of Insurance." For annual re-certifications thereafter, the fee shall be one thousand dollars (\$1,000). In addition to the fee, the MCO shall, in a cover letter, outline any significant changes made to any previous filing. The certification of each MCO previously certified that files for re-certification shall be extended until the evaluation of that filing is completed by the department.

(C) Any certified MCO shall cooperate with any reasonable on-site inspection of the MCO's facilities requested by the department.

(D) The department may, in writing, suspend or revoke the certification of an MCO at any time it establishes the criteria set forth in this regulation are no longer being met. The department may also suspend or revoke the certification of any MCO which has failed to honor its contractual responsibilities or which has engaged in any fraud or misrepresentation as part of its managed care activities. Any MCO so suspended or de-certified may request a hearing before the director or his/her designee concerning that suspension or de-certification.

(17) Data Reporting Requirements.

(A) The following data shall be reported by each department-certified MCO to the department for each calendar year beginning January 1, 2003 by July 1, 2004 and every calendar year thereafter:

1. The estimated aggregate number of participating employees during the reporting period;

2. The aggregate provider charges for treatment for participating employees;

3. The aggregate charges for treatment actually allowed by the MCO;

4. The discount on charges realized by the use of the MCO network;

5. The average cost per injury during the reporting period; and

6. Any other supplemental data the MCO determines would be useful in explaining the above.

(B) The MCO shall also report employer and employee names as required by the department in order to allow the department to conduct the satisfaction surveys authorized under section (18) of this regulation.

(C) The underlying data upon which the MCO bases the results to be reported under subsections (A) and (B) above shall be retained in the MCO's database or files for a period of at least one (1) year after the date of a report, for purposes of sampling verification by the department, should the department determine there is a need for such verification.

(D) Each MCO shall report said information in a computer format specified by the department.

(18) Quality of Care Survey.

(A) The department may, from time to time, conduct a satisfaction survey of employers and injured employees to assess the quality of care being provided by certified MCOs. Such a survey may be conducted at the discretion of the department but not more than once every two (2) years. No such survey need be conducted unless

the department determines that sufficient funds and personnel are available to conduct the survey.

(B) The department may conduct the survey of all employers with whom the MCO has contracts and all injured employees for which the MCO has managed the care, or any statistically appropriate subset thereof. MCOs shall provide the department with the relevant contact information for such employers and employees from its database, in the format requested by the department.

(C) The questions asked in the survey shall cover the matters deemed appropriate by the department. They may include but are not limited to the following:

1. The waiting time before an injured employee is seen by a physician;
2. The level of communication between the physician and the injured employee;
3. The services provided by the case management nurse, if any such nurse is assigned;
4. The level of apparent cooperation or conflict between the insurer, the MCO, and the health care providers;
5. The level of communication between the MCO and the employer regarding the status of the injured employee; and
6. Any suggested areas for improvement.

(D) Any individual survey responses from employers or injured employees shall be considered confidential communications under section 374.070, RSMo, and shall not be disclosed by the department. The department may however, in its discretion, summarize any survey results and make them available to the public.

(19) Procedure for MCO-Related Complaints.

(A) Any person who feels that the requirements of this regulation are not being adhered to by an MCO, an insurer or any other person may submit their concerns or complaints to the department for review. Formal written complaints shall be submitted on the standard department complaint form and shall be logged in the department's complaint database.

(B) The department shall review any formal complaint submitted. It may inquire into the surrounding circumstances and require additional information of the MCO, the insurer, the employer or other party as the situation warrants. If after review, the department determines that there is a violation of the regulation, it may impose such penalties or seek such remedial measures as it determines are warranted under the circumstances and as are permitted by law.

(20) Effective Date. This regulation shall become effective ninety (90) days after its publication in the *Missouri Code of State Regulations*.

Exhibit A

Certification Form

Certificate of Authority
Managed Care Organization for Workers' Compensation

It is Hereby Certified That

(Enter name of Managed Care Organization)

meets the certification requirements of Section 287.135 of the Revised Statutes of Missouri and Regulation 20 CSR 500-6.700. (Enter name of MCO) has been assigned the following departmental identification number: MCO No. XX.

This certificate shall remain in full force and effect for a period of one calendar year unless suspended or revoked by the Director.

IN WITNESS WHEREOF, I have hereto set my hand and caused to be hereto affixed the Seal of said Department. Done in my office in the City of Jefferson, this (Enter date).

Director of Insurance

Exhibit B

Supplemental MCO Application Form

(Page One)

Effective (MCO reg. effective date) , Missouri employers will be required to state on this form whether or not they would prefer to use a workers' compensation managed care organization (MCO) to help control the medical costs associated with the work-related injuries of their employers.

Under Section 287.135 of the *Revised Statutes of Missouri*, the Department of Insurance has set certification standards for such MCOs. To be certified, an MCO must possess a geographically convenient network of primary health care physicians, specialists, hospitals and rehabilitation facilities under the medical direction of a physician experienced in Missouri's workers' compensation environment. In addition, the MCO must make available certain other, ancillary services, such as case management, utilization review, bill review and bill re-pricing, if agreed to by you, the employer, and the insurer.

The purpose of this form is to allow your current or prospective insurance company to know whether or not you have a preference for a particular MCO and if so, what that preference is. Making sure your insurance company understands your MCO preference is important because, by state regulation, if the insurance company issues or renews your policy after you have stated an MCO preference on this form, the insurance company is required to coordinate and integrate its systems with those of the MCO, and it may also be required to pay certain administrative fees of the MCO (unless you agree to pay these administrative fees yourself).

Different insurance companies have different corporate policies on interacting with outside MCOs. Some insurers will allow you considerable freedom in selecting an MCO, while other insurers have already contracted with specific MCOs to provide any needed managed care services. The latter group of insurance companies may decline to cover you if you specify an MCO on this form which differs from the MCOs they have under contract.

Therefore, it is important for you to know both the various MCO options that are available to you and also what impact the choice a particular MCO will have on your ability to obtain coverage. At a minimum, you should discuss this issue with the insurance agent prior to completing this form. In addition, if you have already developed a successful working relationship with a particular MCO, you should discuss the fact that you are considering switching carriers with your MCO before actually seeking out any new coverage. Finally, you may obtain more information about managed care and workers' compensation, the state's regulation of MCOs, a list of certified MCOs, and the potential costs and savings associated with the use of MCOs by telephoning the Missouri Department of Insurance at (800) 394-0964, or by accessing the Department's web site for its Frequently Asked Questions on Workers' Compensation MCOs brochure at www.insurance.state.mo.us/MCOfaq.htm.

On page two of this form is a list of the various options available to you for completing this form. Select one of the numbered options. Once completed, the form will be submitted to the insurance company, which in turn will review it as part of the underwriting process. In addition, your insurance agent will give you a copy of the completed form for your records.

If the insurance company decides to issue or renew a policy for you under the MCO preference you have specified, it will attach an endorsement to your policy reflecting the selection you have indicated on this form. The insurance company will also notify any MCOs you have selected of its acquiescence to your selection.

Supplemental MCO Application Form**(Page Two)**

Select one (and only one) of the numbered "Options" listed below to specify your MCO preference; indicate your preference by placing your initials in the space provided next to the numbered option. For Options 3 and 4, you will also be asked to specify the name of one or more MCOs and to select one of two sub-options relating to who you prefer to pay for the MCO administrative fees related to the MCO(s) you have specified.

Option 1. _____ I elect not to use an MCO.

Option 2. _____ I elect to use only MCOs with which the workers' compensation insurer has a contract.

Option 3. _____ I elect to use both those MCOs with which the workers' compensation insurer has a contract and also the following MCO or MCOs:

(Insert MCO Name)

(Insert MCO Name)

For any MCO I have named above, I elect that:

_____ the insurer shall be responsible for the payment of the administrative fees of that MCO.

_____ I shall be responsible for the payment of the administrative fees of that MCO.

Option 4. _____ I elect not to use any MCOs with which the workers' compensation insurer has a contract, but instead to use the following MCO or MCOs:

(Insert MCO Name)

(Insert MCO Name)

For any MCO I have named above, I elect that:

_____ the insurer shall be responsible for the payment of the administrative fees of that MCO.

_____ I shall be responsible for the payment of the administrative fees of that MCO.

Applicant's Name and Title (Print or Type)

Date

Applicant's Signature

AUTHORITY: sections 287.135, 287.140, 374.045 and 374.070, RSMo 2000. Emergency rule filed Aug. 31, 1992, effective Nov. 1, 1992, expired Feb. 28, 1993. Original rule filed April 14, 1992, effective Feb. 26, 1993. Rescinded and readopted: Filed Oct. 10, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. See the attached fiscal note.

PRIVATE COST: This proposed rule will cost private entities more than five hundred dollars (\$500) in the aggregate. See the attached fiscal note.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule (and the accompanying proposed rescission) on December 12, 2001, beginning at 10:30 a.m. in Room 492 of the Truman State Office Building in Jefferson City, Missouri. Opportunities to be heard at the hearing will be afforded to any interested person. Interested persons, whether or not heard, may submit written comments to the department until 5:00 p.m. on December 14, 2001. Written comments shall be sent to the Department of Insurance, Property and Casualty Section, PO Box 690, Jefferson City, MO 65102-0690, to the attention of Mark Doerner.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER****Title:** Department of Insurance**Division:** Property and Casualty**Chapter:** Workers' Compensation and Employer's Liability**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 20 CSR 500-6.700 Workers' Compensation Managed Care Organizations**II. SUMMARY OF FISCAL IMPACT**Affected Agency or Political SubdivisionEstimated Cost of Compliance in the Aggregate

Department of Insurance

\$12,939.80 in the first year, \$4,377.80 annually thereafter.

(Optional Survey)

An additional \$12,136.80 in the first year if a survey is conducted, an additional \$7,124.00 every year thereafter in which a survey is conducted.

Division of Workers' Compensation

If the Department of Insurance does a Quality of Care Survey, it will consult with the Division of Workers' Compensation as part of developing the survey. It is estimated this will cost \$5,000 in the first year such a survey is conducted, \$1,000 in subsequent years.

(Note on cost for the second and subsequent years: This fiscal note estimates an annual impact for the first year and the subsequent years separately. More effort will be required in the first year to administer the re-certification procedure for existing MCOs and to file and maintain information on the MCO policies and MCO contact persons of insurers; in subsequent years, only amendments to these original materials will be necessary. The fiscal note estimates the cost for the second year of implementation; to calculate the impact for the third and succeeding years, the second year estimate should be multiplied by the appropriate inflation factor for the year in question.)

III. WORKSHEETDepartment of Insurance: ItemAnnual Expense

First Year	Work Comp Specialists	276 hours @ \$22.3/hour	\$ 6,154.80
	Senior Counsel	214 hours @ \$30.8/hour	\$ 6,591.20
	Clerical	6 hours @ \$14.9/hour	\$ 89.40
	Consumer Services	4.5 hours @ \$23.2/hour	\$ 104.40
			<u>\$ 12,939.80</u>

(Optional Survey)	Work Comp Specialists	168 hours @ \$22.3/hour	\$ 3,746.40
	Senior Counsel	168 hours @ \$30.8/hour	\$ 5,174.40
	Mailing Costs	...	\$ 3,216.00
			\$ 12,136.80
Subsequent Years	Work Comp Specialists	77.8 hours @ \$22.3/hour	\$ 1,734.94
	Senior Counsel	84.0 hours @ \$30.8/hour	\$ 2,587.20
	Clerical	1.4 hours @ \$14.9/hour	\$ 20.86
	Consumer Services	1.5 hours @ \$23.2/hour	\$ 34.80
			\$ 4,377.80
(Optional Survey)	Work Comp Specialists	120 hours @ \$22.3/hour	\$ 2,676.00
	Senior Counsel	40 hours @ \$30.8/hour	\$ 1,232.00
	Mailing Costs	...	\$ 3,216.00
			\$ 7,124.00

Division of Workers' Compensation

IV. ASSUMPTIONS

Department of Insurance: The proposed regulation will increase the duties of the Department of Insurance in its oversight of managed care in the worker's compensation insurance market. These duties will be performed by existing Workers' Compensation Specialists, Senior Counsel, Information Systems, and Clerical personnel, using existing equipment. These new duties will include the following:

Total Yearly Hours:
First Year/Second Year

Additional Duties

Workers' Compensation Specialists

92 / 23	Track MCO certification anniversary dates to monitor annual renewal
	Review initial MCO re-certification materials for compliance with regulation
	Handle certification fees
	Make follow-up inquiries as necessary on certifications
	Recommend whether or not to certify MCO
28 / 2.8	Maintain current MCO list for public on web-site
	Create spreadsheet to track insurers MCO policies and their effective dates
	Receive written insurer MCO policies
	Enter data into spreadsheet
	File company MCO policies in company files
	Send duplicate "Filed" copy to carrier for its files
	Make information available to the public upon request
	Receive any MCO complaints from Consumer Services
	Respond to complaints or pass on to Senior Counsel as necessary
	Receive MCOs complaints on lack of full payment of MCO fee by insurer
	Review any documentation from MCO and health care provider
	Decide if enough evidence has been produced to establish that the provider fee

156 / 52	<p>charged is permissible under Section 287.140, subsection 3, and the case law</p> <p>If the underlying provider fee is permissible, notify the insurer that it must reimburse the MCO at its full normal level of reimbursement</p> <p>If the underlying provider fee is not adequately supported by the evidence provided, disallow the MCO complaint</p> <p>Where necessary, discuss the matter with Senior Counsel</p>
168* / 120*	<p>Participate in survey development</p> <p>Receive employer/employee names from MCOs, follow-up with non-responders</p> <p>Type spreadsheet list of employers/employees to be surveyed</p> <p>Handle mailing of survey</p> <p>Receive and organize survey responses</p> <p>Follow-up with non-responders</p>
	Senior Counsel
46 / 0	<p>Check Specialist recommendations on MCO certifications/re-certifications</p> <p>Issue Certification Forms</p>
168 / 84	<p>Handle any MCO complaints not handled by W/C Specialist</p> <p>Review any MCO-related disputes and issue written response</p> <p>Provide written explanation for refusal to certify or for de-certification</p>
168* / 40*	<p>Develop satisfaction/effectiveness survey</p> <p>Tabulate survey results</p> <p>Write summary of survey</p> <p>Discuss survey results with MCOs</p>
	Clerical
6 / 1.4	<p>Enter TD2 Forms for insurer MCO Policy filings</p> <p>Update mail log regarding the above filings</p> <p>Send carriers monthly bills regarding the above filings</p>
	Information Systems/Consumer Services
4.5 / 1.5	<p>Add codes to MIDS system to track any MCO-related complaints</p> <p>Document any MCO-related complaints</p> <p>Process any MCO-related complaints</p>
	Survey Costs
\$ 3,216	Postage plus envelopes

* Denotes hours associated with optional survey.

The above estimates are based on the following assumptions:

(1) The new duties required under the regulation can be performed by existing personnel in the Department of Insurance with existing equipment. This is possible because the regulation will relieve the Department's staff of

current effort associated with handling questions and complaints on MCO issues without provisions or procedures to answer or resolve them. The above worksheet calculations used the current hourly level of reimbursement for the positions in question, which includes salary and fringe benefits (at 36.38% of salary).

(2) There are currently 23 Workers' Compensation MCOs certified by the Department. The Department assumes this number will remain the same, although it also assumes some will cease operations and others will enter the market for the first time. The fiscal note assumes it will take a Workers' Compensation Specialist four hours to review an MCO's certification packet for a total of (23×4) 92 hours, and two hours for the Specialist's recommendation to be reviewed by Senior Counsel who will either: a.) grant certification and issue a new certification form; or, b.) deny such certification and give a written explanation for that denial, for a total of (23×2) 46 hours. In the second and subsequent years, the Department assumes the Workers' Compensation Specialists will spend 30 minutes per MCO processing annual MCO updates and 30 minutes preparing and mailing annual renewal certificates.

(3) According to the National Council on Compensation Insurance (NCCI), there are 112 insurance companies currently writing workers' compensation insurance in Missouri. The Department assumes that each of these 112 insurers will file a written "MCO Policy" with the Department in the first year of the regulation. This fiscal note assumes that it will take a Workers' Compensation Specialist 15 minutes to document a policy's receipt in a spreadsheet, read the policy, place the policy in the insurance company's materials on file with the Department and return a duplicate copy of the policy stamped "Filed" to the insurance company. This will require $((112 \times 15 \text{ minutes}) / 60 \text{ minutes})$ 28 hours of Workers' Compensation Specialist time in the first year. The Department assumes that in the second and subsequent years, insurers will file modifications to their plans at a rate of 10% the filings in the first year, for a total of 2.8 hours a year.

(4) The Department anticipates approximately one complaint a week regarding the proposed regulation, each of which will require on average, three hours of a Workers' Compensation Specialist's time to investigate, make a determination regarding, and respond to in the first year of the regulation, for a total of $(52 \text{ weeks} \times 3 \text{ hours})$ 156 hours a year. In subsequent years the Department assumes the number of complaints will diminish to a third of this level. Those complaints that cannot be resolved by the Specialists will be referred to Senior Counsel, who it is assumed will spend approximately one working month in the first year attempting to resolve these complaints, and half a month per year in subsequent years.

(5) The proposed regulation gives the Department the option of doing a survey of employers to determine their level of satisfaction with the MCO services they have received. If it decides to exercise this option, the Department will require MCOs to provide a list of the employers and injured employees they have dealt with during the prior year. A sample of these employers and employees will be contacted by mail and asked to fill out a short questionnaire and return it, which the Department will collect, tabulate and summarize. The Department anticipates it will take the equivalent of one month for Senior Counsel to develop the survey and its procedures (with the assistance of the Division of Workers' Compensation), tabulate the results summarize them and discuss them with the MCOs, and another month for Workers' Compensation Specialists to collect MCO information, develop the list of employers and employees to be contacted, coordinate the mailing, collect the responses and follow-up with non-responders. The size of such a survey has yet to be determined, but according to the National Council on Compensation Insurance, Inc. (NCCI) there are 68,655 employers insured with workers' comp coverage in Missouri. Of those, the Department understands that approximately one quarter (17,164) use the services of MCOs; of these, roughly 20% (3,433) will experience injuries in a given year and would therefore be candidates for a survey. This fiscal note assumes all of these will be surveyed, although a smaller sample is also possible. In the second and subsequent years in which a survey is conducted, the Department assumes it will require 3 weeks of Workers' Compensation Specialist time and one week of Senior Counsel time to conduct such surveys. Each survey will require an envelope and postage, plus a return envelope and postage, (or $3,433 \times 2$ envelopes at \$12.85 per hundred, or \$882, plus 6,866 envelopes at \$.34, or \$2,334,) for a total of $(\$882 + \$2,334)$ \$3,216.

(6) Clerical work will include processing insurer filings and assisting MCOs and members of the public who wish to receive copies of materials filed with the Department. Because 112 insurer "MCO Policy" filings are anticipated in the first and because 30 transmittal documents (TD2 Forms) can be processed in an hour, it is estimated that it will take 3.7 hours to process these filings, plus additional time to learn the procedure, or 4 hours total, and a tenth of that in subsequent years. An additional 2 hours will be needed to maintain mail logs, send out monthly bills and assist the public in copying MCO-related materials in the first year, a one hour in subsequent years.

(7) A minimal amount (less than an hour) of Information Systems time will be needed to add Workers' Compensation MCOs to the Department's complaint database and train staff to recognize this new category. Additionally, Consumer Services staff will have to process any formal complaints and send them to the Department's Workers' Compensation Specialists, which should take approximately 5 minutes per complaint or $((52 \text{ complaints} \times 5 \text{ minutes}) / 60 \text{ minutes})$ 4.3 hours in the first year and $((17.3 \text{ complaints} \times 5 \text{ minutes}) / 60 \text{ minutes})$ 1.4 hours in subsequent years.

(8) Division of Workers' Compensation: The proposed regulation is not expected to increase the number of cases handled by the Division of Workers' Compensation regarding whether medical care services are "necessary and appropriate" (under Section 287.135.5, RSMo) or whether health care provider fees and charges are "fair and reasonable" and "usual and customary" (under Section 287.140.3, RSMo). The Division of Workers' Compensation currently handles roughly 2000 such matters a year with one FTE, most of which do not concern MCOs per se. To a significant degree, the regulation adopts the status quo that has evolved in the marketplace in the absence of a regulation regarding how MCOs are to be reimbursed by workers' compensation insurers. As such, the need to handle additional fee disputes is not anticipated.

(9) Should the Department of Insurance exercise the option under the regulation of conducting a survey of employers and employees to assess the level of satisfaction with managed care services, the Department anticipates it would consult with the Division regarding the mechanics of the survey, the questions in the survey and other related matters. The fiscal note anticipates that, in the aggregate, the personnel time the Division would have to devote in the development of a survey would be \$5,000 in the first year and \$1,000 for any years thereafter in which such a survey was conducted.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Department of Insurance

Division: Property and Casualty

Chapter: Workers' Compensation and Employer's Liability

Type of Rulemaking: Proposed Rule

Rule Number and Name: 20 CSR 500-6.700 Workers' Compensation Managed Care Organizations

II. SUMMARY OF FISCAL IMPACT

<u>Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:</u>	<u>Classification by the type of the business entities which would likely be affected:</u>	<u>Estimate in the aggregate as to cost of compliance with the rule by the affected entities:</u>
23	Department-Certified Workers' Compensation Managed Care Organizations (MCOs)	\$46,000 (\$2,000 per MCO) in the first year, \$25,300 (\$1,100 per MCO) annually thereafter.
112	Missouri-Licensed Workers' Compensation Insurers	\$1,313,912 in the first year, \$227,508 Annually thereafter.
68,655	Missouri Employers Insured by Workers' Compensation Insurance Policies	\$731,584 in the first year, \$150,316.80 in annually thereafter.

(Note on cost for the second and subsequent years: This fiscal note estimates an annual impact for the first year and the subsequent years separately. More effort will be required in the first year to administer the re-certification procedure for existing MCOs and to file and maintain information on the MCO policies and MCO contact persons of insurers; in subsequent years, only amendments to these original materials will be necessary. The fiscal note estimates the cost for the second year of implementation; to calculate the impact for the third and succeeding years, the second year estimate should be multiplied by the appropriate inflation factor for the year in question.)

III. WORKSHEET

MCO Costs

In the proposed regulation's first year, the currently certified MCOs will have to re-submit the materials required for certification. While these MCOs are "deemed" certified by Section 287.135, RSMo, the re-submission of this information will allow the Department to have a set of materials for all MCOs which are organized in a consistent format and which are up-to-date (which is currently not the case.) The Department estimates that it will cost these MCOs the equivalent of \$1,000 each for the time and materials involved in this re-submission process. In subsequent years, the only materials which will be required to be filed will be those necessary to update these initial re-certification materials, which the Department estimates will require one-tenth the resources, or \$100 per MCO.

In addition, the proposed regulation specifies a \$1,000 certification fee for each MCO for the initial year and each subsequent year of the regulation.

Insurer Costs

According to the National Council on Compensation Insurance (NCCI), of the approximately 300 workers' compensation insurers that have written workers' compensation insurance in Missouri in recent years, only 112 are currently active (i.e., they have one or more policies in force). For purposes of this fiscal note, it is presumed that each active company will in fact develop a written corporate policy on MCOs, which it will file with the Department of Insurance in the first year of the regulation. Under Section 374.230, RSMo, the cost of each such filing is \$50, for a total of \$5,600 in filing costs. In subsequent years, the Department assumes that 10% of insurance companies will file modifications to their previously filed MCO policies each year, or \$560.

It is presumed that each active insurer will require one man-week to define this corporate MCO policy, put that policy in writing and order the distribution of the MCO policy to its agents. The Department estimates this man-week of effort to cost each active insurer \$2,000, for a total of \$224,000. The Department assumes that this process will need to be repeated in the second and subsequent years as insurance companies modify their MCO policies. The Department estimates this will happen at a rate of 10% of the first year's activity, costing $(10\% \times \$224,000)$ \$22,400.

There are 34,799 licensed general casualty insurance agents in Missouri. The Department estimates that one third of them (11,600) are independent agents representing an average of 5 different companies. Of the remaining two-thirds (23,199), the Department assumes half (11,599) work for insurers that can notify them by e-mail of the new MCO policy. The other agents (both multi-company independent agents and single company captive agents) will need to be sent the new MCO policy by mail. The independent agents will need one notice from each of their 5 companies $(11,600 \times 5)$, or 58,000 letters. The captive agents will require 11,599 such letters. The total number of letters will be the sum of the two $(58,000 + 11,599)$ or 69,599 letters. Assuming the MCO policy itself is only one page long, and assuming each such letter will also require a cover letter (2 pages \times \$.0045 per sheet of paper), an envelop (one envelop \times \$.1285) and postage (one stamp \times \$.34), or a total cost per letter of \$.4775, then the total cost to inform the agent base by mail would be $(69,599 \times .4775)$ or \$33,233. The Department estimates that such notification in the second and subsequent years will drop to 10% of the volume in the first year, since most carriers will establish their policy in the first year, and will only need to notify agents of modifications. The cost to the industry in the second and subsequent years is estimated to be $(10\% \times \$33,233)$ \$3,323.

The NCCI's figures indicate that there are currently 68,655 outstanding policies of workers' compensation insurance for Missouri risks. Each policyholder will need to be informed of the insurer's new corporate MCO policy. The Department assumes this notice can be included in the mailing already done to renew the policy. Each such policy would also require a new Missouri MCO endorsement form. The Department estimates the cost of modifying the insurer's computer systems to generate such forms and include it as part of the policy materials sent to the employer

to be roughly one man-week's worth of programming time. Assuming a mid-level Information Systems employee receives a salary of \$40,000 per year for a 50-week year, that would cost (\$20 per hour x 40 hours) \$800 per carrier. For the industry as a whole, with 112 carriers currently writing workers' compensation insurance in Missouri, the cost would be (\$800 x 112) \$89,600. The Department estimates the cost in subsequent years to be 10% of this amount, or \$8,960. In addition, the cost of the extra endorsement pages would be (one page x \$.0045 x 68,655) \$309 in the first year, \$31 dollars in subsequent years.

There will be additional costs to insurers to comply with the regulation. Insurance agents will in all likelihood have to discuss the Supplemental MCO Application Form and the employer's option with each employer before coverage is bound. In addition, an insurance company underwriter will need to review the Supplemental MCO Application form to confirm that it meets the carrier's MCO policy. The Department estimates that the cost of such steps will be approximately \$10 per insured employer. While this cost will occur for each insured employer at least once, it will occur multiple times for employers who shop around for coverage. The Department assumes that of the total number of insured employers (68,655) 20% or (.20 x 68,655) 13,731 will consult two other insurers in addition to the carrier that finally issues the policy, or (68,655 + 13,731 x 2) 96,117 transactions requiring these additional MCO-related steps, for a cost of (96,117 x \$10) \$961,170. After the initial year, the cost to carriers will be less, because the regulation presumes the MCO policies of insurance companies and MCO choices of employers will remain the same, obviating the needed for repeated notices, discussions, supplemental application forms or endorsement forms. Only where the employer modifies its MCO preference, the insurer modifies its MCO policy or the employer finds new coverage will the process need to be repeated. The Department assumes these three scenarios will only occur 20% of the time, so the initial year's cost will be reduce to 20% of that cost in outlying years, or (20% x \$961,170) \$192,234 in the second and subsequent years.

Subtotal on Costs to Insurers:	First Year	Second and Subsequent Years
Filing Fees	\$ 5,600	\$ 560
Development of MCO Policy	\$ 224,000	\$ 22,400
Agent Notification	\$ 33,233	\$ 3,323
Information Systems Costs	\$ 89,600	\$ 8,960
Cost of Extra Endorsement Forms	\$ 309	\$ 31
<u>Addition Explanations & Underwriting</u>	<u>\$ 961,170</u>	<u>\$ 192,234</u>
Sub Total:	\$1,313,912	\$ 227,508

MCO Costs

In the proposed regulation's first year, the currently certified MCOs will have to re-submit the materials required for certification. While these MCOs are "deemed" certified by Section 287.135, RSMo, the re-submission of this information will allow the Department to have a set of materials for all MCOs which are organized in a consistent format and which are up-to-date (which is currently not the case.) The Department estimates that it will cost these MCOs the equivalent of \$1,000 each for the time and materials involved in this re-submission process. In subsequent years, the only materials which will be required to be filed will be those necessary to update these initial re-certification materials, which the Department estimates will require one-tenth the resources, or \$100 per MCO.

In addition, the proposed regulation specifies a \$1,000 certification fee for each MCO for the initial year and each subsequent year of the regulation.

Employer Costs

The Department assumes that many employers will opt for the simplest alternatives and specify on the MCO Supplemental Application Form that they elect either to use no MCO or to use the insurance company's "contract" MCO. However, the Department assumes that at one third of insured employers (33.3% x 68,655) or 22,862 employers will give careful consideration to their choices and will shop around amongst an average of three carriers.

The Department estimates this will require an average of 2 hours of time by the employer, from an employee with an average salary of \$32,000 a year. Assuming a 50-week work-year, six hours of such a person's time would be worth (\$16 per hour x 2 hours) \$32, for a total of (\$32 x 22,862) \$731,584 of additional decision-making time and effort in the first year. In the second and subsequent years, the Department assumes that the majority of these employers will maintain the same arrangements, but that one-fifth will make some change each year, which will require additional effort to find alternative arrangements, at an estimated cost of (20% x \$731,584) \$150,316.80 a year.

[Note: Part of the above cost will be borne by small businesses (i.e., independently owned and operated entities with fifty or fewer full-time employees), although the Department presumes that most small businesses will opt to use an MCO selected by (and reimbursed by) their insurer. However, those small employers who have experience with workers' compensation claims or who have developed other workers' compensation experience may decide to shop around for the best MCO/Insurance Company combination for them, which will result in the additional search costs discussed above.]

Because the employer's MCO selection remains in force unless the insurer amends its MCO policy, or the employer changes his selection of an MCO or shops for new coverage, an employer does not need to consider his MCO selection once his original choice is made and agreed to by the carrier. Therefore, the Department estimates that the additional cost to employers in outlying years will be only 20% of the cost in the initial year.

IV. ASSUMPTIONS

MCO Costs

Rule 20 CSR 500-6.700 was originally promulgated in 1992 to implement a provision of Section 287.320 RSMo (since repealed) that authorized a premium credit to employers who selected a state-certified workers' compensation MCO. While the regulation required that insurers provide such a premium credit, it did not require the reimbursement of MCOs for their services. In 1993, the General Assembly repealed Section 287.320, RSMo and adopted what is currently Section 287.135, RSMo, which directed the Department of Insurance to promulgate a regulation on the payment of MCO fees. Because no regulation on MCO fees has been in place since 1992, MCOs have had to adapt, being paid only by those insurers who voluntarily agreed to such reimbursements or by insured and self-insured employers.

Because the proposed regulation relies on market forces and voluntary agreements between insurers, employers and MCOs regarding MCO reimbursement, the Department assumes there will be little change from the current reimbursement environment. The new costs to MCOs imposed by the regulation will be offset either by cost savings or by slightly higher utilization of MCOs.

Costs: The fiscal note above estimates certain costs of complying with this regulation. In addition, there may be other, less specific costs. For example, MCOs may decide that it makes sense to discuss the MCO concept with employers with whom they already have contracts and with new employers, reminding them of the MCO preference options they will be confronted with on policy acquisition or policy renewal. They may decide to track policy renewal dates in their computer systems to prompt these reminders.

Savings or Increased MCO Utilization: Because employers will be reminded of the MCO issue as part of the process of procuring new coverage, the regulation should reduce the number of instances where an MCO, confident of reimbursement because the employer's prior carrier had agreed to it, delivers service only to learn that the employer's new carrier will not agree. This will save MCOs from absorbing the cost of such services. In addition, the fact that every employer will not need to give at least passing consideration to the issue of workers' compensation MCOs during the process of applying for coverage, the use by average employers of MCOs should increase.

These potential costs, savings and increased utilization are difficult to estimate. However, the Department assumes the effects of these factors will cancel each other, resulting in no net impact in cost to the MCOs as a "category" of private entities.

Employer Costs

This fiscal note also does not estimate an impact on insured employers as to the savings they might realized by using MCOs. While the use of MCOs should help, in the aggregate, to reduce the medical losses and possibly the indemnity losses, the cost to employers of their workers' compensation insurance is determined by their insurers as part of the insurers' rate setting function, and it is up to insurers to decide whether and to what extent any savings realized will be passed on to employers. Those employers who choose to use an MCO which will not be reimbursed by their carrier will presumably have concluded that the net effect of having to pay these MCO fees themselves is more than offset by the savings realized by using that MCO.

Health Care Providers Costs

This fiscal note does not estimate an impact on health care providers of the proposed regulation, for two reasons: 1) Certified MCOs have been in operation under the prior version of the proposed regulation since November 1, 1992. There are currently 23 active certified MCOs in Missouri. The fiscal note assumes that any health care providers who desired to join an MCO would already have done so and are therefore currently providing services at the discounted rates which would merely be continued under the proposed regulation; and, 2) Nothing in the regulation limits health care provider reimbursements to amounts less than that allowed by Section 287.140.3, RSMo, without the provider's consent. Providers are free to charge their usual and customary fee unless they have voluntarily agreed to discount those fees under a contract with an MCO.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.115 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-11.115 by opening waterfowl hunting season on Bull Shoals Lake.

3 CSR 10-11.115 Closings

PURPOSE: This rule change removes the waterfowl refuge from Bull Shoals Lake and opens the area to hunting and fishing.

(3) The following department areas are closed to protect waterfowl:

(A) On Stockton Lake waterfowl refuge, hunting, fishing, trapping, boating and vehicles are prohibited from October 15 through the area's prescribed duck and Canada goose seasons on all Corps of Engineers lands and waters on and adjacent to the Little Sac

Arm from the Highway 123 bridge to the county road bridge crossing Little Sac River in Section 11, T32N, R24W.

(B) On the portion of Ralph and Martha Perry Memorial Conservation Area which has been designated a waterfowl refuge, hunting, fishing, trapping, boating, entry by the public and vehicles are prohibited from October 15 through the close of the waterfowl season.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed October 1, 2001, effective **October 15, 2001**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.160 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-11.160 by opening waterfowl hunting season on Bull Shoals Lake.

3 CSR 10-11.160 Use of Boats and Motors

PURPOSE: This rule change expands walk-in hunting opportunities for waterfowl to assist in the management of increasing goose populations at Theodosia. The prohibition against boating activity during the hunting season is retained, however, to limit the impact on other waterfowl species.

(1) Boats, including sailboats, may be used on lakes and ponds designated as open to boats, except as further restricted in this chapter. Boats may not be left unattended overnight. Houseboats are prohibited. Registration and a fee are required for rental of department-owned boats. Fees must be paid prior to use.

(A) Except as provided below, only electric motors are permitted on lakes and ponds of less than seventy (70) acres. Electric motors and outboard motors are permitted on lakes of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except as otherwise provided in paragraph (1)(A)3. of this rule. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(A)4. of this rule.

1. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.

2. On Hunnewell Lake Conservation Area, only department-owned boats may be used.

3. On Robert G. DeLaney Lake Conservation Area, only electric motors are permitted.

4. On Thomas Hill Reservoir, boating is prohibited on the main arm of the lake above Highway T from October 15 through

January 15. No horsepower restrictions apply. Boats may be left unattended overnight.

5. All boating is prohibited from November 15 through February 15 on the Theodosia Arm of Bull Shoals Lake described as: All of Section 13, and south half of Section 12, T22N, R16W; all of Section 17, south half of Sections 7 and 8, and that part of Sections 19 and 20 north of Highway 160 bridge, all in T22N, R15W.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed October 1, 2001, effective **October 15, 2001**.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.010, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-120.100 Code is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1160–1161). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-121.020 Administration and Enforcement is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB

317 removed all reference to used homes except for “used modular units used for educational purposes.” The Association asserts that 4 CSR 240-121.020 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did not remove statutory authority cited in 4 CSR 240-121.020. Therefore, 4 CSR 240-121.020 should remain in effect as proposed. 4 CSR 240-121.020 gives the Commission powers and responsibilities under Chapter 700, RSMo concerning the authority to revoke, deny, refuse to renew or place on probation a registration under section 700.090. The Commission will still require used manufactured home dealers to register with the Commission in order to sell manufactured homes in the State of Missouri.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.040, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-121.040 Inspection of Dealer Books, Records,
Inventory and Premises is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1161–1162). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the amended rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for “used modular units used for educational purposes.” The Association asserts that 4 CSR 240-121.040 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission believes that the amendment to Chapter 700 did not remove statutory authority cited in 4 CSR 240-121.040. Therefore, 4 CSR 240-121.040 should remain in effect as proposed. 4 CSR 240-121.040 gives the Commission the authority to inspect dealer books, records, inventory and premises. The Commission believes that nothing in the Chapter 700 amendments removes that authority.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.100, RSMo 2000, the commission withdraws a proposed rule as follows:

4 CSR 240-121.090 Proper and Initial Setup of Pre-Owned Manufactured Homes is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1162-1163). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association opposes adoption of the rule.

COMMENT: Comments were received asserting that since Senate Bill No. 317 (SB 317), concerning the amendment of Chapter 700 of the Missouri Statutes, passed and will become effective, the Public Service Commission will no longer have authority to regulate used manufactured homes. The Association maintains that SB 317 removed all reference to used homes except for "used modular units used for educational purposes." The Association asserts that 4 CSR 240-121.090 should be rescinded due to Chapter 700 amendments.

RESPONSE: The Commission agrees that Chapter 700 amendments did affect statutory authority cited in 4 CSR 240-121.090 and that the proposed rule will be withdrawn. 4 CSR 240-121.090 pertains to the requirements for the installation and set-up of pre-owned manufactured homes. The Commission no longer has jurisdiction over set-up issues on preowned manufactured homes therefore this proposed rule is no longer relevant.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods
and Air Pollution Control Regulations for the Entire
State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001, (26 MoReg 1322-1328). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments from: American Lung Association of Eastern Missouri, Armstrong Teasdale LLP, Associated Electric Cooperative, Inc. (AECI), Associated General Contractors of Missouri, Inc., Associated Industries of Missouri, Audubon Missouri, Chemistry Council of Missouri, Environ Corporation, Kansas City Health Department Air Quality Program, Kansas City Power & Light, Mid-America Regional Council, Mining Industry Council of Missouri, Mississippi Lime Company, Missouri Ag Industries Council, Inc., Missouri Chamber of Commerce, Missouri Coalition for the Environment, Missouri Concrete Association, Inc., Missouri Limestone Producers Association (MLPA), Recycle Missouri, Inc., Regulatory Environmental Group for Missouri (REGFORM), Saint Louis City Air Pollution Control Program, St. Louis County Health Department Air Pollution Control Program, Saint Louis Regional Chamber and Growth Association, Sierra Club of Missouri, Springfield-Greene County Air Pollution

Control Authority, and United States Environmental Protection Agency Region 7 (EPA). The comments focused on support and opposition to the proposed emission fee increase, permit regulation and administration, and impact of emission fee increase on small businesses.

COMMENT: Armstrong Teasdale, AECI, Associated General Contractors of Missouri, Mississippi Lime Company, Missouri Ag Industries Council, Missouri Chamber of Commerce, Missouri Limestone Producers Association, Recycle Missouri, Inc., Associated Industries of Missouri, and REGFORM commented that the emission fee should not be increased until the Air Program addresses the problems that exist in its administration of the permitting process. The commenters stated that emissions fees should be decreasing rather than increasing because of efficiency initiatives. Additional improvements would result in no fee increase.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program understands the issues expressed. The authorizing statute allows improvements in efficiencies to be considered when the fee is annually updated. The proposed emission fee increase was based on currently available financial information. If in future years the permit administrative process results in improved efficiency, the emission fee analysis will take into consideration the improvements made. This could result in the emission fee being adjusted to reflect those improvements. Further, the following improvements have been made to the permitting processes through the Construction Permit Streamlining Workgroup and other efficiency initiatives.

Fixed Relocation Fee. The Missouri Air Conservation Commission (MACC) adopted the regulation changes required to implement this recommendation and the department's Air Pollution Control Program is now charging a fixed \$200 fee for reviewing these applications.

Issue Fee Letter Concurrent to Executive Review/Signature Delegation. Signature authority was delegated to the department's Air Pollution Control Program in 1997.

Permit-by-Rule. The Missouri Air Conservation Commission adopted the construction permit rule revisions which included a placeholder for the Permit-by-Rule concept. The Missouri Limestone Producers Association hired a consultant to work with staff to help streamline reviews for their industry. Several working meetings were held and an air quality computer screening tool was developed. Staff within the New Source Review Unit are using a version of this screening tool when conducting reviews. The Missouri Department of Natural Resources' Technical Assistance Program conducted a training session to introduce this tool to MLPA members. Once applicants become familiar with this tool, the department's Air Pollution Control Program expects it to be used on a majority of projects. This will reduce review time and project turnaround. It is likely that this approach is feasible for other industries. The department's Air Pollution Control Program will proceed with the development of similar computer screening tools as time is available.

Exemptions. A list of exempt projects was included in the revised construction permit application package.

Construction Permit Review Manual. The construction permit review manual was updated to incorporate the changes recommended by the Construction Permit Streamlining Workgroup. Every year the department's Air Pollution Control Program updates this manual.

Revised Permit Application Package. This package has been in use for about one year now. This has helped improve applications, but substandard applications continue to be a problem. A good application is strongly correlated to short review times. Close analysis of the processing times for New Source Review permit applications shows that time spent waiting on applicants to supply additional information after the application has been submitted approximately equals the time needed by the department's Air

Pollution Control Program staff to completely process the application.

Banking. The Construction Permit Streamlining Workgroup decided that banking discussions should be tabled until the EPA finalized their guidance on this issue. The banking issues will be handled through a workgroup and industry will actively participate in these discussions. Missouri statutes have recently been revised to include an emissions trading and banking system. A bank of emissions readily available to offset new emissions in nonattainment areas will expedite industrial development in urban areas.

Insignificant Emissions Exemption Levels. The construction permit rule has been amended such that small projects at currently permitted facilities are now exempt from permit review. The insignificance level was established at 0.5 pounds per hour for criteria pollutants. However, if a new or modified source emits less than 876 pounds per year, the proposed source is not required to obtain a construction permit. The least stringent of the two criteria (pounds per hour or pounds per year) governs. In calendar year 2000, the department's Air Pollution Control Program issued 81 more no-permit-required letters than in 1999, an increase of about 40%. The total number of permits issued in 2000 had a corresponding drop in numbers. The Air Program Advisory Forum continues to investigate options for insignificant emissions exemption levels.

Air Quality Analysis Requirements for Criteria Pollutants. The construction permit rule was amended to incorporate this recommendation, and the construction permit application package will help applicants prepare better applications. The application package includes a section that will guide applicants through their own optional air quality screening analysis.

Partial Codification of the Hazardous Air Pollutants (HAPS)—Codify Emission Levels Below Which No Air Quality Analysis Will Be Required For HAPS. The Missouri Air Conservation Commission adopted the regulation changes required to implement this recommendation. The regulation states that no air quality analysis will be required for projects that have the potential to emit, less than 0.5 pounds per hour of any individual HAP, or less than the department's Air Pollution Control Program established emission thresholds. The HAP emission thresholds table has been prepared and is included in the revised application package.

Aggregated Emissions Case. An amendment to the construction permit rule was adopted by the Missouri Air Conservation Commission, so that the Missouri approach to this case now aligns with the federal approach. A definition was also changed to implement this recommendation.

Establish an Application Screening Group. A reorganization of the department's Air Pollution Control Program established an Initial Review Unit within the Permit Section. This unit will determine administrative completeness of all applications, perform any preliminary data processing that is necessary and conduct and issue permits for portable equipment.

Transfer Accounting Functions to Administrative Section. The accounting functions were transferred from the New Source Review Unit to the Administration Section. The specific functions include: determining billing amounts, sending bills for filing and processing fees and following up on unpaid bills.

Establish Maximum Times That Applicants Can Have Applications On Hold. The New Source Review Unit has changed procedures such that applications can only be placed on hold with the supervisor's approval. The Initial Review Unit generates weekly reports that identify all tracking steps that have expired or will expire within the week. These reports are distributed to Permit Managers and staff for follow-up.

Develop A More Informative And Detailed Web Site. The department's Air Pollution Control Program now provides more information on its web site. The pages have been reorganized. All of the Permit Forms are provided electronically through the department's Technical Assistance Program's Publications pages. All

permitting forms are found in one location. The department's Air Pollution Control Program plans to soon provide the public notice draft permits on these pages. The department's Air Pollution Control Program plans to accept construction permit applications over the internet in the future.

Develop A Lessons Learned Package For Distribution. A report has been prepared showing the number of projects where additional information has been requested of applicants, grouped by industrial category. Once an analysis is performed on the information and the industrial categories are prioritized, the packages can be prepared to help each target category. The first category is the stone quarry industry. The new application package developed under Permit by Rule will address the questions and problems identified for Lessons Learned. Additional categories will be analyzed.

Missouri Emission Inventory System (MoEIS). The MoEIS project is being undertaken with the intent of greatly simplifying the emission data gathering process. MoEIS will make it much easier for industry to report their emissions data, through greater industry staff accessibility, 24 hours a day—7 days a week information availability, reduced training needs for industry, etc. The MoEIS project will result in Internet emission data entry and submittal. MoEIS will move the department's Air Pollution Control Program away from the paper forms that are difficult to change to electronic forms that suit customer needs. The Internet will provide a much more flexible form for the industry to work with. The Air e-Data Internet portion of MoEIS will be available by year's end. Missouri sources of air pollution will be able to enter their emissions for calendar 2002 using the Internet.

Emissions Inventory Questionnaires (EIQ). For small emitters the department's Air Pollution Control Program allows for one page EIQ submittals (the EZ, Fee Only, and Dry Cleaner EIQs) if the installation's emissions are below a certain level, which helps companies minimize time spent on their data submittal. In addition, for those required to continue submitting full EIQs, the submittal will usually be very similar to previous years, with possibly only annual throughputs and annual emissions requiring adjustment each year for emission processes. In cases where an installation's operations have remained approximately the same, the department's Air Pollution Control Program hopes the EIQ would take less time and cost after the initial year an EIQ has been submitted for the installation.

Policy on Missouri Department of Transportation Right-of-Way Sources. The department's Air Pollution Control Program has instituted a new policy regarding portable equipment relocation. Highway construction projects frequently have portable concrete batch or asphalt plants associated with them. Often the plants are to be located on a small parcel of land that is within the right-of-way for the highway being worked on. Typically, the department's Air Pollution Control Program reviews the air quality concentrations at the edge of the property to check for an emission exceedance. This made it difficult to approve these facilities. The department's Air Pollution Control Program noticed that these projects are mostly completed in months, not years, as with other construction projects. Using the length of the highway contract as the expiration date, the department's Air Pollution Control Program conducted the air quality reviews based on the distance to the nearest inhabited dwelling.

As a result of comments, the department's Air Pollution Control Program is recommending that the fee not be increased for emissions in calendar year 2001 but remain at \$25.70 per ton for 2001. However, the department's Air Pollution Control Program expects that the fee for calendar year 2002 will need to be significantly increased. This approach has been thoroughly covered in the fee analysis and it is industry's preference not to phase in fee increases but to postpone any fee increase until next year. The department's Air Pollution Control Program will continue to work with industry and others to implement efficiencies. The department's

Air Pollution Control Program will consider these improvements in the next fee analysis.

COMMENT: Armstrong Teasdale commented that there seems to be a reluctance to set a reasonable minimum exemption level on volatile organic compounds (VOCs) below which no permit would be needed. An investigation should be made as to what staffing needs would be if a) the exemption level was raised to 4 or 5 tons of VOCs per year and b) there was close supervision of the engineers and others assigned to process the permits to make sure they were processed in accordance with established procedures, which would be written and published, and no extraneous matters and extra thoughts were included in the permitting process. Without doing these two things, it is difficult to know how to evaluate a request for an increase in the emission fee.

RESPONSE: The department's Air Pollution Control Program appreciates the suggestions that have been submitted along with the comment and will consider them for future incorporation in the permit process. The construction permit rule has been amended such that small projects at currently permitted facilities are now exempt from permit review. The significance level was established at 0.5 pounds per hour for criteria pollutants. However, if a new or modified source emits less than 876 pounds per year, the proposed source is not required to obtain a construction permit. The least stringent of the two criteria (pounds per hour or pounds per year) governs.

In calendar year 2000, the department's Air Pollution Control Program issued 81 more no-permit-required letters than in 1999, an increase of about 40% in one year. The total number of permits issued in 2000 had a corresponding drop in numbers. However, there are only eight New Source Review engineers available to review all construction permit applications, state-wide (this includes the requirement to review local agency permits within 30 days of issuance by the local authority). Even if all eight were to be removed, which would also mean a loss of some construction permit fee revenue, it would be a small change in program funding needs. The proposed emission fee increase is based on currently available actual financial information.

Permit engineers are closely supervised. Management also reviews and approves all permits before they are issued. No changes were made as a result of this comment.

COMMENT: Armstrong Teasdale, AECI, Missouri Limestone Producers Association, Associated Industries of Missouri, the Chemistry Council of Missouri, the Mining Industry Council of Missouri, the Missouri Concrete Association, Environ Corporation, Kansas City Power & Light, Missouri Ag Industries Council, Inc., Missouri Chamber of Commerce, Recycle Missouri, Inc., and REGFORM commented that at the present time, an emission fee increase is not necessary for the following year. Apparently it is being done to cover two years which is questionable as to whether it is appropriate. The commenters prefer delaying the fee increase at least one year because there is not an immediate funding crisis.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program emission fee revenue has been less than expenditures since emission year 1997 (emissions during calendar year 1997 and fees payable April 1, 1998 as compared to expenses for state fiscal year starting July 1, 1998). Since that time, the fund balance accumulated prior to 1997 has been used to supplement emission fee revenue.

Revenues due April 1, 2001 were \$500,000 less than projected in last year's analysis. Fringe benefits cost increased more than projected last year. Last year's projections used 26.5% as the fringe benefit rate while this year's projections used 33.7% because of increases in health care insurance cost.

The existing fund balance is rapidly being depleted. The department's Air Pollution Control Program needs to transition from an

emission fee supplemented by a fund balance to an emission fee sufficient to cover expenses. The options presented by the department's Air Pollution Control Program to the Missouri Air Conservation Commission on August 3, 2001 were raise the fee for 2001 to phase in the increase in the fee or wait and raise the fee for 2002 more dramatically.

As a result of comments, the department's Air Pollution Control Program is recommending that the fee not be increased for emissions in calendar year 2001 but remain at \$25.70 per ton for 2001. However, the department's Air Pollution Control Program expects that the fee for calendar year 2002 will need to be significantly increased. This approach has been thoroughly covered in the fee analysis and it is industry's preference not to phase in fee increases but to postpone any fee increase until next year. The department's Air Pollution Control Program will continue to work with industry and others to implement efficiencies. The department's Air Pollution Control Program will consider these improvements in the next fee analysis.

COMMENT: AECI commented that information provided by the department's Air Pollution Control Program shows a steadily increasing staffing level, reaching 131 full-time employees (FTEs) in 2001. However, no information has been provided on why it takes 131 FTEs to run the operating permit program.

RESPONSE: There are very strict federal and state accounting guidelines that the department's Air Pollution Control Program must follow when expending Title V monies. There are various activities associated with Title V sources that go well beyond the actual operating permit processing. Not all of the department's Air Pollution Control Program FTEs are paid from the Title V fund. There are several different funding sources, all of which were identified in the rulemaking documentation, that are used for the department's Air Pollution Control Program operation. The FTEs cited by AECI are funded by all emissions fees not just those paid by large (Title V) sources. The total air quality effort in Missouri includes approximately 116 FTEs in the department's Air Pollution Control Program, 17 FTEs in the department's Environmental Services Program, 5 FTEs in the department's Technical Assistance Program, 39 FTEs in the department's six Regional Offices and 64 FTEs in the four local air agencies. In addition, the department's Air Pollution Control Program processed no operating permits in 1990. Whereas now there are currently 460 Part 70 (Title V) sources, 297 Intermediate (federally enforceable state operating permit) sources and 872 Basic sources. No changes were made as a result of this comment.

COMMENT: AECI and REGFORM commented that the regulated community had only about two months to evaluate and comment on this proposal. This is not adequate time to evaluate the proposed fee increase. The permit holders should be involved in the process.

RESPONSE: Since fees are payable April 1st of each year, the department's Air Pollution Control Program did not know actual revenue would be less than previously projected until all payments received were tabulated. The department's Air Pollution Control Program had estimated that emission fees payable April 1, 2001 would be \$7.4 million. Actual receipts were only \$6.9 million or \$500,000 less than projected.

Fund projections were shared with representatives of industry in a meeting on May 30, 2001. The department's Air Pollution Control Program obtained input from industry and restated the financial projections from a state fiscal year basis to an emission year basis. The revised analysis was then shared with the industry group in a second meeting on June 19 and later shared with the Small Business Compliance Advisory Committee on June 28. No changes were made as a result of this comment.

COMMENT: Audubon Missouri commented in support of the fee increase and suggested that a fee of \$35 per ton is reasonable given that fees have not been adjusted for several years.

RESPONSE: The department's Air Pollution Control Program appreciates Audubon Missouri's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002 on the order of \$33.00 per ton. No additional changes were made as a result of this comment.

COMMENT: The Kansas City Health Department Air Quality Program testified in support of the proposed emission fee increase. In Kansas City, Missouri for FFY 2002, the Health Department's Air Program will receive about \$500,000 in emission fees. This amounts to about 55% of a budget of approximately \$897,000. With federal funding to local programs being essentially flat for several years, the emission fee appears to be the most equitable method of local agency support.

RESPONSE: The department's Air Pollution Control Program appreciates the Kansas City Health Department Air Quality Program's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The Mid-America Regional Council commented that the proposed emission fee increase is necessary to maintain the current level of effort in the permit process, enforcement, and other programs essential to protecting air quality in Missouri. With air quality a continuing concern in the Kansas City area, the Council encourages the Missouri Air Conservation Commission to approve the proposed emission fee increase.

RESPONSE: The department's Air Pollution Control Program appreciates the Mid-America Regional Council's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The Mississippi Lime Company commented that the efficiency of the department's Air Pollution Control Program permitting process can be improved only by the addition and retention of qualified engineers. This would be accomplished by salary and training commensurate with industry to attract and retain qualified engineers.

RESPONSE: The department's Air Pollution Control Program agrees that retaining qualified, well trained engineers is essential to the success of the department's Air Pollution Control Program. No changes were made as a result of this comment.

COMMENT: The Mississippi Lime Company commented that industry offers to pay consultants to review permit applications in order to speed up the review process have not yet been accepted due to reluctance to delegate responsibilities outside the department's Air Pollution Control Program for fear of inadequate or biased review.

RESPONSE: The department's Air Pollution Control Program uses contract support in the Permit Section. However, contractor usage results in a net loss to the state because of review fee caps

in the statute. The contractors bill the state at a higher rate than the statute allows the department's Air Pollution Control Program to bill applicants. The difference may be as great as \$25.00 per hour of review. This increases costs to the department's Air Pollution Control Program. No changes were made as a result of this comment.

COMMENT: The Mississippi Lime Company and Recycle Missouri, Inc. commented that raising the emission cap from the present 4,000 tons per pollutant level would assist small business owners and allow the larger emission sources to contribute more to the cost of the Title V program.

RESPONSE: The department's Air Pollution Control Program agrees that raising the cap would more equitably distribute the costs between large and small emitters. However, this would require a statute change to 643.079, RSMo. This legislative change is beyond the authority of the department's Air Pollution Control Program and the Missouri Air Conservation Commission. No changes were made as a result of this comment.

COMMENT: Missouri Ag Industries Council, Inc., Missouri Chamber of Commerce, Missouri Limestone Producers Association, REGFORM, St. Louis Regional Chamber and Growth Association commented that the necessary information to justify the proposed emission fee increase has not been provided relative to the use of Title V monies, effective and efficient use thereof, fund balance questions, and work that would be cut by the department's Air Pollution Control Program if there is no emission fee increase. Increased workloads have not been demonstrated. The department's Air Pollution Control Program should demonstrate that the workload is consistent with the emissions fee.

RESPONSE: The department's Air Pollution Control Program financial information presented to the Missouri Air Conservation Commission included an analysis of Title V revenue, expenses, and fund balance and are found on pages 90 through 92 of the August 3, 2001 Missouri Air Conservation Commission Briefing Document.

The program will continue to experience an increased workload over the next several years. Issues such as the eight-hour ozone standard, fine particulate matter standard, regional haze, oxides of nitrogen trading, and rules for implementation of a banking and trading program as required by recent legislation will be addressed in the next few years. Industry has suggested that the program's workload will decrease, however the opposite is true.

The emissions fee has remained at \$25.70 since 1994 despite a steadily increasing workload. For example, in the Enforcement Section from 1992 to 2000 annual data shows Notices of Violation have increased from 461 to 1035 per year, complaints have increased from 894 to 1245 per year, settlement agreements have increased from 109 to 146 per year, and inspections have increased from 891 to 1686 per year. Also annual permits to construct have increased from 270 to 438 per year and permits to operate have increased from zero to 326 per year. From 1990 to 2000, annual EIQ submissions have increased from 600 per year to 3000 per year. Air monitoring sites have increased from 120 in 1990 to 160 in 2000.

The increasing requirements of the Clean Air Act does not allow the department's Air Pollution Control Program the option to cut work. A number of program activities are likely to increase in the coming years. Implementation of the new ambient air quality standards for PM_{2.5} and ozone as well as the regional haze program are likely to require additional resources. Kansas City and St. Louis will likely be nonattainment with respect to the 8 hour ozone standard and there are indications that St. Louis may violate the particulate matter standard. Lastly, regional haze state implementation plans will have to be submitted within a few years including best available retrofit controls on major sources. No changes were made as a result of this comment.

COMMENT: The Missouri Coalition for the Environment commented that the revenue generated by proposed emission fee increase is necessary to maintain the current level of environmental protection and efficiency in the permitting process. Approximately 20% of the department's Air Pollution Control Program's positions are currently unfilled. This shortfall poses a direct threat to human health and environmental quality and also increases the burden on industry by slowing the regulatory process.

RESPONSE: The department's Air Pollution Control Program appreciates the Missouri Coalition for the Environment's support of this proposed amendment. The department's Air Pollution Control Program is actively recruiting for these positions but low salaries make it difficult to attract and retain good technical staff. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: REGFORM commented that at the June 2000 MACC meeting, the department's Air Pollution Control Program displayed a chart that showed a fund balance of approximately \$12 million and indicated that an emission fee increase would not be needed until 2004. The financial analysis presented to support the proposed increase for 2001 is difficult to comprehend. The department's Air Pollution Control Program indicates that the fund balance on July 1st must be sufficient to cover the cost of the whole year's program expenses. The regulated community believes that the fund balance in July need only be of sufficient size to cover the gap between emission fee revenues brought in and program costs to be expended. The department's Air Pollution Control Program indicates that if it doesn't act now, the fund balance will go negative and day-to-day operations of the program will be jeopardized. The regulated community is concerned with the discrepancy between the various representations of the fund balance (June 2000 balance \$12 million, May 2001 balance \$10 million, August 2001 \$2.29 million).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program Emission fees are payable from all facilities on April 1—the due date is not staggered throughout the year for different facilities and as a result almost all emission fees are received around the April 1 due date. Expenses such as salaries, travel, and office supplies occur throughout the year. They are not all paid at one time of the year. To stay solvent so the department's Air Pollution Control Program can pay expenses as they become due, the fund balance on July 1 (start of state fiscal year) must be sufficient to cover expenses until additional revenue is received the following April 1.

To ensure the department's Air Pollution Control Program can meet its obligations, the goal is to have enough fund balance on July 1 to meet expected expenses for the upcoming state fiscal year (July 1 through June 30). In last year's presentation to the Commission on June 29, 2000, the Department estimated the fund balance at the end of state fiscal year 2001 to be \$12.1 million. In the meeting with industry representatives on May 30, 2001, the Department estimated the fund balance at the end of state fiscal year 2001 to be \$12.2 million.

At the May 30, 2001 meeting, industry representatives asked that the financial information be restated by calendar year instead of by state fiscal year. The presentation to industry on June 19, 2001, to the Small Business Compliance Advisory Group on June 28, 2001, and to the Missouri Air Conservation Commission on August 3, 2001 all used restated financial information.

A chart was used in the June 19, June 28, and August 3 presentations to explain how the financial information was presented:

information was stated by calendar year of emission and matched with the fees payable April 1 and state expenses starting July 1. An example was given showing that emissions during calendar year 2000 were payable April 1, 2001 and that the state plans to spend these receipts starting July 1, 2001.

The presentation to the Missouri Air Conservation Commission on August 3, 2001 showed the fund balance at the end of 2000 to be \$2.29 million. This ending fund balance was after the receipt of emission fees payable April 1, 2001 (state fiscal year 2001) and after expenses for the year starting July 1, 2001 (state fiscal year 2002). Adding back the expenditures for the year starting July 1, 2001—which are state fiscal year 2002 expenditures—would give a \$12.3 million fund balance.

All projections when put on a fiscal year basis show a fund just over \$12 million dollars at the end of state fiscal year 2001. In the presentation to the Missouri Air Conservation Commission on August 3, 2001 the department's Air Pollution Control Program compared raising the fee for 2001 to delaying it until next year. As a result of comments, the department's Air Pollution Control Program is recommending that the fee not be increased for emissions in calendar year 2001 but remain at \$25.70 per ton for 2001. However, the department's Air Pollution Control Program expects that the fee for calendar year 2002 will need to be significantly increased. This approach has been thoroughly covered in the fee analysis and it is industry's preference not to phase-in fee increases but to postpone any fee increase until next year. The department's Air Pollution Control Program will continue to work with industry and others to implement efficiencies. The department's Air Pollution Control Program will consider these improvements in the next fee analysis.

COMMENT: REGFORM commented that none of the forward-looking scenarios the department's Air Pollution Control Program has presented today takes into consideration a potential reduction in workload. Other state government programs are dealing with a core budget reduction and a greater-than-10% withhold. It doesn't make sense in the grander scheme of the whole state budget to increase the program costs while the other state programs are cutting back.

RESPONSE: The department's Air Pollution Control Program is instituting an extra 15% withholding of general revenue funds to reflect increasing health care cost and lower than projected revenue. A majority of the shortage of general revenue funds is due to increases in health care cost, especially health care coverage cost for Medicaid patients where pharmaceutical cost has increased dramatically.

General revenue receipts for the 2001 state fiscal year were under state projections. Revenue increased only 4.2% over state fiscal year 2000 receipts, not the 5.8% increase that had been projected. The Department of Natural Resources along with other state departments are seeing extra withholding of general revenue. The emission fees are set, however, to cover the cost administering sections 643.010 to 643.190, RSMo. The department's Air Pollution Control Program showed that emission fee revenue does not cover the cost of administering sections 643.010 to 643.190, RSMo. Revenue has not been sufficient to cover expenses since emission year 1997, and that revenue has been supplemented by a declining fund balance.

Section 502 of the Clean Air Act requires Title V facilities to pay a fee sufficient to cover all reasonable cost (direct and indirect) of administering the Title V program. Title V cost can only be paid for using Title V fees. Ninety-three percent (93%) of emission fee revenue received for calendar year 2000 emissions were from Title V sources. No changes were made as a result of this comment.

COMMENT: REGFORM commented that after reviewing paragraph 5 of 643.079, RSMo relative to adjusting emission fees in relation to the Consumer Price Index for All Urban Consumers for

the United States that the state statute may limit any annual emission fee increase set by the Missouri Air Conservation Commission to an amount no greater than the Consumer Price Index.

RESPONSE: The department's Air Pollution Control Program believes that the proposed fee increase was consistent with the provisions of section 643.079, RSMo. A detailed response to legal arguments is neither required nor appropriate. No changes were made as a result of this comment.

COMMENT: The Saint Louis City Air Pollution Control Program commented that they support the proposed emission fee increase. With the United States Environmental Protection Agency attempting to cut back on some of their expenditures and place more responsibility on state and local agencies, fees must increase as the 105 EPA grants and state emissions fees have remained fairly constant over the last couple of years.

RESPONSE: The department's Air Pollution Control Program appreciates the Saint Louis City Air Pollution Control Program's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The St. Louis County Health Department Air Pollution Control Program testified that the initial emission fee schedule established in 1992 has been adjusted only once, in 1993, to the present. Funding has now begun to fall short of the funding needed for air pollution control work in Missouri. The County Air Program supports the proposed emission fee increase.

RESPONSE: The department's Air Pollution Control Program appreciates the St. Louis County Health Department Air Pollution Control Program's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The Saint Louis Regional Chamber and Growth Association commented that there may be an additional \$25 million proposed new federal funding of state and local enforcement activities.

RESPONSE: The President has proposed \$25 million of federal funds for enforcement work nationwide for all media (air, water, etc.) At this time, the department's Air Pollution Control Program is unsure if this proposal will be included in the appropriations passed by Congress, if Missouri will receive any of these funds for enforcement activities, if these funds can be used to support existing enforcement efforts or if they must be used for new efforts, and if Missouri does receive funds how much, if any, will be for air pollution control efforts. This uncertainty does not allow the department's Air Pollution Control Program to consider these additional funds. No changes were made as a result of this comment.

COMMENT: The Sierra Club of Missouri commented in support of the proposed fee increase and that those who seek to emit or release or who do emit or release air or water contaminants to the public air or water need to bear the burden of the cost of administering the program.

RESPONSE: The department's Air Pollution Control Program appreciates the Sierra Club of Missouri's support of this proposed amendment. As a result of industry's comments preferring no fee

phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The Springfield-Greene County Air Pollution Control Authority testified in support of the proposed emission fee increase. If the state air program is unable to continue to adequately fund their portion of local programs, some of commitments may have to be abandoned.

RESPONSE: The department's Air Pollution Control Program appreciates the Springfield-Greene County Air Pollution Control Authority's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The American Lung Association of Eastern Missouri commented that they support the proposed emission fee increase. The additional revenue generated by the proposed emission fee increase would enable the department's Air Pollution Control Program to continue the protection of human health and efficiency in the permitting process.

RESPONSE: The department's Air Pollution Control Program appreciates the American Lung Association's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

COMMENT: The EPA commented that the fee has not been raised since the early 1990s and that a number of program activities are likely to increase in the coming years. Implementation of the new ambient air quality standards for PM_{2.5} and ozone as well as the regional haze program are likely to require additional resources. Kansas City and St. Louis will almost certainly be nonattainment with respect to the 8 hour ozone standard. St. Louis may violate the particulate matter standard. Lastly, regional haze state implementation plans will have to be submitted within a few years including best available retrofit controls on major sources. EPA supports the proposed emission fee increase.

RESPONSE: The department's Air Pollution Control Program appreciates the EPA's support of this proposed amendment. As a result of industry's comments preferring no fee phase-in, the proposed amendment was changed so that the fee will not increase but remain at \$25.70 per ton for 2001. However, as the department's Air Pollution Control Program fee analysis indicates, a substantial fee increase is expected to be necessary in calendar year 2002. No additional changes were made as a result of this comment.

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information

(5) Emission Fees.

(A) Any air contaminant source required to obtain a permit under sections 643.010–643.190, RSMo, except sources that produce charcoal from wood, shall pay an annual emission fee, regardless of their EIQ reporting frequency, of twenty-five dollars and seventy cents (\$25.70) per ton of regulated air pollutant emitted during calendar year 2001 in accordance with the conditions

specified in subsection (5)(B) of this rule. Sources which are required to file reports once every five (5) years may use the information in their most recent EIQ to determine their annual emission fee.

REVISED PUBLIC COST: This proposed amendment will cost \$6,988,616 in FY 2002 and \$11,629,872 in FY 2003. For the years after FY 2003, the total annualized aggregate cost is \$11,629,872 for the life of the rule. The public entity costs are not substantially more than previous cost projections and are provided as background for current cost projections. Note attached fiscal note for assumptions that apply.

REVISED PRIVATE COST: This proposed amendment will have a total annualized aggregate cost of \$20,806,545 for the life of the rule. Note attached fiscal note for assumptions that apply.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10 - 6.110 Submission of Emission Data, Emission Fees and Process Information

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources /Air Pollution Control Program	\$ 9,076,495
Misc. Public Entities (listed below)	\$ 2,553,377
Totals	\$11,629,872

*Cost estimates are reported as annualized aggregates.

III. WORKSHEET

Missouri Department of Natural Resources /Air Pollution Control Program (APCP) Costs

APCP Costs	FY2002**	FY2003	Annualized Aggregate
Salaries	\$ 1,895,241	\$ 3,908,368	\$ 3,908,368
Fringe Benefits	\$ 506,170	\$ 1,006,993	\$ 1,006,993
Operating Expenses	\$ 605,396	\$ 1,211,773	\$ 1,211,773
Grants to Local Air Agencies	\$ 976,000	\$ 2,002,000	\$ 2,002,000
Refunds	\$ 13,116	\$ 26,232	\$ 26,232
Department Overhead	\$ 449,020	\$ 921,129	\$ 921,129
Totals	\$ 4,444,943	\$ 9,076,495	\$ 9,076,495

Local Air Agencies (Kansas City, Springfield, St. Louis City, St. Louis County) Costs

Salaries, fringes, operating, and overhead	\$ 976,000	\$ 2,002,000	\$ 2,002,000
Less Grant from MDNR	(\$ 976,000)	(\$ 2,002,000)	(\$ 2,002,000)
Totals	\$ 0	\$ 0	\$ 0

**See Assumption #1 on page 2 of this Fiscal Note.

Public Entity Costs

Source Description	Number of Facilities
Gas & Electric	44
Sanitary Services	30
Hospitals	25
Rehabilitation Centers	3
Schools	10
Correctional Facility	2
National Security	5

Post Office	2
Transportation	3
Other	5
Totals	129

Public Entity Costs	FY 2002	FY 2003	Annualized Aggregate
EIQ Fees	\$ 970,408	\$ 980,112	\$ 980,112
EIQ Preparation	\$ 124,582	\$ 124,582	\$ 124,582
Compliance Costs	\$1,448,683	\$1,448,683	\$1,448,683
Total Costs	\$2,543,673	\$2,553,377	\$2,553,377

Costs	FY2002	FY2003	Annualized Aggregate
Departmental Costs	\$ 4,444,943	\$ 9,076,495	\$ 9,076,495
Public Entity Costs	\$ 2,543,673	\$ 2,553,377	\$ 2,553,377
Total Costs	\$ 6,988,616	\$11,629,872	\$11,629,872

IV. ASSUMPTIONS

1. Public entity costs are for the entire rule rather than just the amendment. The public entity costs are provided for informational purposes and to provide fee collection estimates. The costs are based on the most recent data available to the department and are expected to be more accurate than previous fiscal notes for the same fiscal years.
2. All emission fees are assumed to be submitted during the last six (6) months of FY2002 (January 1, 2002-June 30, 2002). Department costs for FY2002 are for the last six (6) months of FY2002 (January 1, 2002-June 30, 2002).
3. The cost to the facility of filling out the EIQ is held constant at the 1999 value of \$124,582 assuming that the cost of EIQ preparation occurs in the last half of FY 2002 (January 1, 2002-June 30, 2002).
4. Cost and affected entity estimates are based on data presently entered in the tracking systems of the Air Pollution Control Program. This data is subject to change as additional information is reviewed, updated, and entered. Fees for public entities are based on \$25.70 per ton of regulated air pollutant.
5. The emission fees paid by public entities may vary depending on their current information and their chargeable emissions with fees remaining relatively constant. However, new controls decrease the amount of their emission fees.
6. The Phase I utility boilers began paying emission fees for emissions in the last six (6) months of Fiscal Year 2001 (January 1, 2001-June 30, 2001) for emissions in calendar year 2000. Thus an increase in emission fees will occur during this time. This increase will be approximately 30% or \$1.8 million statewide (public and private).
7. State projections are based on the most current information regarding budget-appropriation levels. Increases or decreases in appropriations result from additions or deletions to the budget. Variations in operating expenses occur as a result of program budget decreases or increases by the legislature.
8. The costs to prepare EIQ forms and for compliance are taken from information provided by facilities.
9. The EIQ fees are assumed to increase by 1% from FY2002 to FY2003.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10 - 6.110 Submission of Emission Data, Emission Fees and Process Information

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,302 Facilities (listed below)	Listed below	\$20,806,545

*Cost estimates are reported as annualized aggregates.

III. WORKSHEET

SIC Code	SIC Description	Number of Facilities
01	AGRICULTURAL PRODUCTION CROPS	0
02	AGRICULTURAL PRODUCTION LIVESTOCK AND ANIMAL SPECIALTIES	1
07	AGRICULTURAL SERVICES	57
10	METAL MINING	8
12	COAL MINING	5
14	MINING AND QUARRYING OF NONMETALLIC MINERALS, EXCEPT FUELS	206
15	BUILDING CONSTRUCTION GENERAL CONTRACTORS AND OPERATIVE	1
16	HEAVY CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION	0
17	CONSTRUCTION SPECIAL TRADE CONTRACTORS	2
20	FOOD AND KINDRED PRODUCTS	110
21	TOBACCO PRODUCTS	0
22	TEXTILE MILL PRODUCTS	2

SIC Code	SIC Description	Number of Facilities
23	APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS	0
24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	54
25	FURNITURE AND FIXTURES	24
26	PAPER AND ALLIED PRODUCTS	24
27	PRINTING, PUBLISHING, AND ALLIED INDUSTRIES	66
28	CHEMICALS, BRIQUETS, PAINTS	146
29	PETROLEUM REFINING AND RELATED INDUSTRIES	157
30	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS	57
31	LEATHER AND LEATHER PRODUCTS	10
32	STONE, CLAY, GLASS, AND CONCRETE PRODUCTS	205
33	PRIMARY METAL INDUSTRIES	43
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION	87
35	INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT	40
36	ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS	38
37	TRANSPORTATION EQUIPMENT	45
38	MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS	5
39	MISCELLANEOUS MANUFACTURING INDUSTRIES	11
40	RAILROAD TRANSPORTATION	1
41	LOCAL AND SUBURBAN TRANSIT AND INTERURBAN HIGHWAY PASSENGER	1
42	MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING	25
44	WATER TRANSPORTATION	3

SIC Code	SIC Description	Number of Facilities
45	TRANSPORTATION BY AIR	7
46	PIPELINES, EXCEPT NATURAL GAS	21
47	TRANSPORTATION SERVICES	2
48	COMMUNICATIONS	0
49	ELECTRIC, GAS, SANITARY SERVICES, AND LANDFILLS	124
50	WHOLESALE TRADE-DURABLE GOODS	13
51	WHOLESALE TRADE-NON-DURABLE GOODS	130
52	LUMBER/HARDWARE	1
54	FOOD STORES	13
55	AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS	2
57	HOME FURNITURE, FURNISHINGS, AND EQUIPMENT STORES	0
59	MISCELLANEOUS RETAIL	1
60	BANK	1
63	INSURANCE CARRIERS	0
65	REAL ESTATE	1
70	HOTELS, ROOMING HOUSES, CAMPS, AND OTHER LODGING PLACES	1
72	PERSONAL SERVICES AND DRY CLEANERS	453
73	BUSINESS SERVICES	2
75	AUTOMOTIVE REPAIR, SERVICES, AND PARKING	5
76	MISCELLANEOUS REPAIR SERVICES	1
80	HEALTH SERVICES	66
82	EDUCATIONAL SERVICES	11
84	MUSEUMS, ART GALLERIES, AND BOTANICAL AND ZOOLOGICAL GARDENS	2
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT, AND RELATED	2
91	EXECUTIVE, LEGISLATIVE, AND GENERAL GOVERNMENT, EXCEPT FINANCE	4
92	CORRECTIONS	1

SIC Code	SIC Description	Number of Facilities
95	ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS	1
97	MILITARY	3

Private Entity Costs	FY2002	FY2003	Annualized Aggregate
EIQ Fees	\$ 5,855,380	\$ 5,913,934	\$ 5,913,934
EIQ Preparation	\$ 2,160,418	\$ 2,160,418	\$ 2,160,418
Compliance Costs	\$12,732,193	\$12,732,193	\$12,732,193
Total Costs	\$20,747,991	\$20,806,545	\$20,806,545

IV. ASSUMPTIONS

1. Private entity costs are for the entire rule rather than just the amendment. Private entity costs for this amendment are not expected to substantially exceed the previous amendment fiscal note since the emissions fee is proposed to remain at \$25.70 per ton of regulated air pollutant. The costs in this fiscal note are to provide information and to provide fee collection estimates. The costs are based on the most recent data available to the department and are expected to be more accurate than previous fiscal notes for the same fiscal years.
2. All emission fees are assumed to be submitted during the last six (6) months of FY2002 (January 1, 2002-June 30, 2002).
3. The cost to the facility of filling out the EIQ is held constant at the 1999 value of \$2,160,418 assuming that the cost of EIQ preparation occurs in the last half of FY 2002 (January 1, 2002-June 30, 2002).
4. Cost and effected entity estimates are based on data presently entered in the tracking systems of the Air Pollution Control Program. This data is subject to change as additional information is continuously entered and as data is reviewed. Fees for private entities are based on \$25.70 per ton of regulated air pollutant.
5. The emission fees paid by public entities may vary depending on their current information and their chargeable emissions with fees remaining relatively constant. However, new controls decrease the amount of their emission fees.
6. The Phase I utility boilers began paying emission fees for emissions in the last six (6) months of fiscal year 2001 (January 1, 2001-June 30, 2001) for emissions in calendar year 2000. Thus an increase in emission fees will occur during this time. This increase will be approximately 30% or \$1.8 million statewide (public and private).
7. The costs to prepare EIQ forms and for compliance are taken from information provided by facilities.
8. The EIQ fees are assumed to increase by 1% from FY2002 to FY2003.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 3—Well Construction Code

ORDER OF RULEMAKING

By the authority vested in the Well Installation Board under section 256.606, RSMo 2000, the board amends a rule as follows:

10 CSR 23-3.100 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1163-1172). Comments were received and changes to the rule are reprinted here. This proposed amendment becomes effective **December 30, 2001**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held July 9, 2001 and the public comment period ended July 9, 2001. Letters of comment were not received. Comments were received from the public during the public hearing.

COMMENT: Several commenters stated that the public hearing was not announced properly, was not announced in a timely manner, nor were any announcements of the hearing widely circulated and thus may be in violation of the Sunshine Law.

RESPONSE: Notification of the meeting date and time were widely distributed in advance of the meeting. Notification exceeded the 24-hour business-day pre-notification requirement of the Sunshine Law. Notice of the public hearing was printed in the *Missouri Register* on June 1, 2001. Also, as a courtesy, notification of the hearing was sent to the task force members, local members of the state legislature, local media outlets (newspaper, radio, and television), local health departments, pertinent state and federal environmental agencies, the Missouri Water Well Association, and local members of the drilling industry in June, 2001. On July 5, 2001 a notice was posted at the division offices and on July 6, 2001, Joplin and Neosho newspapers were asked to print the notice. Both newspapers printed the meeting notice. The notice was posted on the Missouri government web page "Open Meetings Notices." No changes were made in response to the comment.

COMMENT: Several commenters stated that the meeting should have been at a more convenient time and that the meeting should have been in Newton County since the rule amendment affects Newton County.

RESPONSE: The rule amendment includes provisions affecting both Newton County and Jasper County, therefore Joplin City Hall was selected because it offers an accessible, central location. Conducting hearings of this nature during normal business hours is not unusual. No changes were made in response to the comment.

COMMENT: Several commenters stated that the Well Installation Board members should have attended the public hearing.

RESPONSE: Public comment hearings are commonly held without the presence of boards or commissions. This hearing was held to receive public comment. The Board was presented with the minutes of the hearing for review. No changes were made in response to the comment.

COMMENT: Several commenters stated that task force recommendations were not implemented in the rule amendment.

RESPONSE: All task force recommendations were considered by the Board in rule amendment discussions, and many changes were made to the rule amendment. No changes were made in response to the comment.

COMMENT: Several commenters stated that the deep well cost is underestimated and could vary from \$12,000 to \$20,000.

RESPONSE AND EXPLANATION OF CHANGE: In February 2001, local well drillers were invited to provide cost estimates for the construction of typical shallow wells and deep wells. Well construction specifications were provided, based on average well depth settings for shallow and deep wells in the two county area. The driller estimates for deep wells varied from \$4,350 to \$12,350. The estimates provided a basis for an average cost, approximately \$10,000. Some deep wells will cost more than the average and some will cost less. Most of the basis for variation in well cost may be due to the required casing depth for a specific location. Wells drilled outside of contaminated zones will not be more costly since the rule amendment does not change well construction requirements in areas that do not contain contaminated groundwater. In response to the comments, the private entity cost in the Fiscal Notes has been reduced to reflect a cost differential between a shallow and deep well of \$7,000 per well and a reduction in contamination area from forty percent (40%) to twenty percent (20%) of Newton County (please see following comment and response).

COMMENT: Several commenters stated that the ultimate effect on community development will be devastating due to the well cost increase.

RESPONSE: Department of Natural Resources financial aid in the form of low-interest loans is available to defray most of the additional cost of deep well construction. In addition, the area of impact will be much smaller (approximately a fifty percent (50%) reduction in area of contamination) than previously discussed with residents. This is because the area of impact map will only include known contaminated areas, and will not include potentially contaminated areas, as was once proposed. This change was made in reaction to Task Force recommendations. In addition, the rule is intended to ensure a safe groundwater supply, which should also be factored into any discussion about economic impact. No changes were made in response to the comment.

COMMENT: One commenter stated that well liners should be used for well construction rather than casing to the depth of the deep aquifer.

RESPONSE: Although liners can be an effective means to isolate groundwater zones, liners are difficult to seal and are hard to place in deep boreholes, especially those subject to formation sloughing and boreholes with cavernous zones. These situations are common to the local area. Installation of casing in the aforementioned drilling environment is the construction technique of choice. Casing and "full-length" grout volume are more likely to properly seal the impacted zone from spreading to the deep aquifer. Although some drillers use liners, the full-length casing technique is familiar to the drillers in the area. A major goal is to protect the lower aquifer by the best possible manner. This method is presented in 10 CSR 23-3.100(6)(B), casing full-length and sealing from the bottom up with high-solids bentonite grout at least the volume of grout calculated for the full length of the annular space between the casing and the borehole wall. No changes were made in response to the comment.

COMMENT: Several commenters stated that low-interest loans should be available to all residents in need of more costly deep aquifer wells, regardless of their financial status. It is feared that only relatively affluent residents will be able to move into rural areas.

RESPONSE: The State Revolving Fund-Non-Point Source loan program will provide loans to individuals through the local lending facilities for the construction of deep wells drilled in an impacted area whether it is a new or replacement construction. Wells replacing newer constructed shallow wells found to be contaminated with

a contaminant listed in the National Primary Drinking Water Regulations (NPDWR) will also be eligible. Loan eligibility will be made by these local lending institutions. Therefore, it is possible that some residents will not be able to obtain a loan for a deep well. But although it is possible that some people will not be able to obtain a loan, this does not mean that these people are denied clean drinking water. The EPA currently provides bottled water, or in-house treatment systems, for free to all people with contaminated well water resulting from one of the Superfund sites in the area (all impact areas are currently within the boundaries of a Superfund site). No changes were made in response to the comment.

COMMENT: One commenter stated that low-interest loans are available for rural house construction and that the loans should include cost for deep well construction.

RESPONSE: The Well Installation Board cannot comment on loan programs that are outside the purview of the department. No change was made in response to this comment.

COMMENT: One commenter stated that the emergency rule was not a good mechanism for change in the well drilling requirements.

RESPONSE: The emergency rule was rescinded in June 2000. Several meetings to assess local concerns about contaminated groundwater and public health were held before the current rule amendment was proposed. Well Installation Board meetings were also held to allow further public comment. No changes were made in response to the comment.

COMMENT: One commenter stated that only 13% of the wells tested were impacted and that the solution to such a small problem is out of proportion, since in-home treatment of contaminated water from shallow wells would be less expensive than drilling deep aquifer wells or implementation of new utility districts.

RESPONSE: Treatment systems require maintenance by residents to be effective and testing to audit treatment performance. Engineering controls, such as well construction requirements, are not dependent upon maintenance. Engineering controls have proven more effective over long periods of time. No changes were made in response to the comment.

COMMENT: One commenter stated that additional deep wells increase the likelihood of deep aquifer contamination.

RESPONSE: The lower aquifer is at risk only in areas in which the upper aquifer is impacted and a well is constructed into the lower aquifer without adequate construction techniques to prevent the migration of groundwater via the well from the upper aquifer to the lower aquifer. The lower aquifer is not at risk if the upper aquifer is not impacted. The rule does not require changes in well construction standards in areas that are not impacted (10 CSR 23-3.100(6)). Well construction with well casing from the surface into the lower aquifer and full-length grouting of the well casing, as provided in the rule (10 CSR 23-3.100(6)(B)), has been shown to be effective in preventing the migration of groundwater from the upper aquifer to the lower aquifer. No changes were made in response to the comment.

COMMENT: Several commenters desired to know when the impact area maps will be available, how the maps will be constructed, whether the public will be afforded comment and review of the maps, how maps would be updated, and how maps will be distributed. One commenter stated that the impact areas should be delineated using existing EPA data, and that DGLS should not duplicate sampling. One commenter stated that the buffer zones around impact areas should not be the whole of the counties.

RESPONSE AND EXPLANATION OF CHANGE: Impact area maps will be available by the end of September 2001, 90 (ninety) days before the anticipated effective date of the rule amendment.

The area of impact will be determined from samples taken by EPA and DNR or their contractors of well water for the contaminants of concern. No duplicate sampling was conducted. In cases in which a well was determined to produce contaminated water, the well will be included as part of the impact area. In most cases, uncontaminated wells will be located outside the impact area. However, if an uncontaminated well is surrounded by contaminated wells, it may be included in the impact area. Data from newly installed wells and old (pre-rule amendment) wells that are subsequently sampled will be added to existing maps and the impact boundaries redrawn in the same manner as the initial map. The rule provides for a minimal zone to address contaminant migration. The total impact area will be relatively small, and will not encompass the whole of the two counties. The maps will be constructed at least on an annual basis or sooner if major change in impact area is discovered (10 CSR 23-3.100(6)(A)). The public may acquire and review the maps. Comments and concerns can be addressed to the division. Maps will be distributed to the local libraries and one copy each to those in the well construction industry doing business in the affected areas. All other interested persons may obtain a copy of the maps at the price of reproduction. In response to this comment, the Board voted to further clarify how the maps will be constructed. The Board revised the definition of "Impact area" in the final version of the rule amendment to include the following statement: "Standard contouring methodology shall be used to delineate the MCL and AI isoconcentration line, which will define the geographic limit of an impact area."

COMMENT: Commenters suggested that the maps should be available before the Well Installation Board votes on the final order of rulemaking.

RESPONSE: One of the concerns of the division, the Well Installation Board, task force members, well owners, and the public is that the mapping of impact areas be as correct, consistent, and concise as possible given the amount of and spatial arrangement of data. Because analytical data showing the level of impact is not currently available, an accurate and concise map cannot now be drawn. Based on rulemaking procedure, the final order of rulemaking must be presented to the Secretary of State's office by September 5, 2000. This means that the Board must vote on the final order no later than July 24, 2001. The impact area maps are an aid to clarify the rule, but are not a part of the rule. No changes were made in response to the comment.

COMMENT: One commenter stated that comments are not acted upon by the Well installation Board and that the Board is a rubber stamp for department policy.

RESPONSE: The Well Installation Board has considered all comments to date and has made numerous changes in reaction to comments. However, the Board does not agree with all comments and recognizes that some will not be pleased with Board actions. No changes were made in response to the comment.

COMMENT: One commenter stated that wells constructed into the deep aquifer would not allow detection of impact in the shallow aquifer and thus spread of contamination in the shallow aquifer could not be ascertained.

RESPONSE: The rule amendment is not designed to assess the spread of contamination, but rather is intended to protect the deep aquifer and prevent residents from drinking contaminated water. As new shallow wells are installed in contaminant-free areas of the counties, change in impact area can be measured as the wells are tested. No changes were made in response to the comment.

COMMENT: One commenter stated that the rule amendment will put well drillers out of business.

RESPONSE: The rule amendment will affect a small portion of Newton and Jasper Counties that are outside of public water service

and within impact areas. Loans will be available to assist most residents. This rule amendment is not intended to stop drilling, but rather to require proper drilling techniques in areas of contaminated groundwater in order to protect the deep aquifer for future use. No changes were made in response to the comment.

COMMENT: One commenter stated that the EPA seems to be doing one thing and the department something different, without interagency coordination. Several commenters stated that the analytical data is old data and not available for review.

RESPONSE: The division has cooperated extensively with EPA. The division relies on EPA and DNR-Division of Environmental Quality for collection of data. Data gathered by both of these agencies is furnished to the division as it becomes available. Both historic and newer data are needed to develop a full assessment of contamination. Because groundwater contaminant plumes migrate over time, additional data will be needed to update the trends of change. No changes were made in response to the comment.

COMMENT: One commenter stated that the rule is an example of government bureaucracy and control by government.

RESPONSE: This rule was pursued only after efforts by the division to obtain voluntary compliance by the well drilling community had failed. The department repeatedly notified drillers of the contamination in the two county area, and requested that certain measures be taken to protect citizens and the deep aquifer, but these requests were often ignored. The Water Well Drillers Act, a statute passed by the Missouri Legislature, provides the Well Installation Board with the authority to implement rules to regulate drilling activities in the State of Missouri. The Board believes that a rule amendment requiring more stringent drilling standards to protect citizens and the deep aquifer in contaminated portions of Jasper and Newton Counties to be an appropriate usage of government authority. No changes were made in response to the comment.

COMMENT: One commenter stated that he feared that existing contaminated wells would need to be abandoned and a new well drilled in compliance with the rule.

RESPONSE: The new rule does not require existing contaminated wells to be plugged unless they jeopardize the deep aquifer. Additionally, any resident with a contaminated well currently is eligible for clean drinking water, at no cost, from the EPA in relation to superfund activities in the area.

10 CSR 23-3.100 Sensitive Areas

(5) Special Area 2 Definitions.

(B) "Low-permeability bedrock" means that portion of geologic material between the lower aquifer and upper aquifer that does not readily transmit water in sufficient quantities to supply a well. The Northview Formation, the Chattanooga Shale, and the upper thirty feet (30') of the Cotter Dolomite shall constitute the low-permeability bedrock. The low-permeability bedrock serves as a natural barrier to groundwater mixing between the upper aquifer and lower aquifer. See Figure 7A included herein for an illustration of geology in Special Area 2.

(D) "Maximum contaminant level (MCL)" is the maximum permissible concentration of a contaminant in drinking water as listed by the National Primary Drinking Water Regulations (NPDWR).

(E) "Action level (AL)" is the maximum permissible concentration of lead in drinking water as specified in the *Code of Federal Regulations*. ALs are levels used for contaminants that do not have established MCLs.

(F) "TCE" shall mean the organic chemical trichloroethylene (a common solvent) and its known degradation products, including but not limited to dichloroethylene and vinyl chloride.

(G) "Impact area" is defined as that land surface area that is underlain or surrounded by water-bearing units that contain groundwater above the MCL or AL for at least one (1) contaminant of concern (lead, cadmium, TCE or TCE degradation products, or other contaminants of the NPDWR). Standard contouring methodology shall be used to delineate the MCL and AL isoconcentration line, which will define the geographic limit of an impact area.

(6) Special Area 2. All of Newton County and Jasper County shall be listed as Special Area 2 (Figure 7B included herein) due to the contamination of portions of the upper aquifer by one (1) or more of the following: lead, cadmium, TCE, TCE degradation products or other contaminants of the NPDWR. The upper aquifer and lower aquifer are separated by a thickness of low-permeability bedrock (Figure 7A). This low-permeability bedrock limits migration of groundwater and any associated contamination from the upper aquifer to the lower aquifer. Wells that penetrate the low-permeability bedrock without an adequate length of surface casing which has had the annulus sealed by approved methods through the low-permeability bedrock may place the lower aquifer at risk to future contamination. Due to chemical and metal contamination present in the upper aquifer in portions of this area, it is necessary to require more stringent well construction standards for new wells that are drilled into the lower aquifer, to cease construction of additional upper aquifer wells in impact areas, and to limit deepening of existing upper aquifer wells in impact areas. New wells constructed outside of the impact area shall be constructed to standards that are no less stringent than the minimum well construction requirements for Area 1. All persons engaged in drilling wells in Special Area 2 shall—

(A) Before beginning construction of the well, determine if the well to be drilled is located within the impact area as shown on maps provided by the division or as determined by division staff. If data indicate change in impact area status, the impact area map may be modified by the division during January of the calendar year and that map will be maintained and available at: Department of Natural Resources, PO Box 250, Rolla MO 65402-0250.

(D) Water from all new wells and deepened old wells throughout Special Area 2 shall be sampled and analyzed for lead and cadmium, plus TCE and its degradation products within TCE impact areas. Where indicated by objective factors, the division may require sampling and analysis for other contaminants listed in the NPDWR. Qualified and properly trained persons must complete sample collection. The laboratory that analyzes the sample must be approved by the EPA for such analysis. A copy of the chain of custody form shall be submitted to the division with the well certification report form to document sampling has occurred. An appropriate chain of custody form will be available from the division.

1. In order to ensure proper well development, the well pump must run continuously for five (5) hours or until the water clears, whichever occurs first, but in no case shall the well be pumped less than two (2) continuous hours.

2. After proper well development, water samples shall be collected from the tap nearest the well.

3. All new and deepened old wells in Special Area 2 shall be constructed with a sampling port or tap within ten feet (10') of the wellhead. Water must be purged from the sampling port prior to collection of a sample.

4. Water from all new wells in Special Area 2 with less than three (3) times the applicable maximum contaminant level (MCL) or action level (AL) may be retested over a one (1)-month period following pump installation and development to assess water quality changes that may have resulted from drilling and/or well construction. The well cannot be used for human consumption until contaminant levels are below MCLs or ALs. Qualified and properly trained persons must complete sample collection. The laboratory that analyzes the sample must be approved by the EPA for

such analysis. A copy of the chain of custody form shall be submitted to the division with the well certification report form to document sampling has occurred. An appropriate chain of custody form will be available from the division. The division may require any new well, whose contaminant levels do not fall below MCLs or ALs after the retest period, to be plugged.

5. Properly constructed new lower aquifer wells that are determined to be contaminated may be allowed to use water treatment systems on a variance basis, if other domestic water sources are not available at the time of well construction. Otherwise, the well must be plugged by using full-length, high-solids bentonite grout emplaced by tremie pipe which extends to within twenty-five feet (25') of the bottom of the borehole. Grout, extending from the bottom of the borehole to within two feet (2') of land surface and finished per 10 CSR 23-3.110(2)(A)3.G., is preferred; in any case, the minimum volume of grout shall be no less than the volume calculated as necessary to accomplish full length plugging of the well.

6. Existing wells that extend uncased and/or unsealed through the low-permeability bedrock and that are found to be contaminated with lead, or cadmium, or TCE, TCE degradation products, or other contaminants of the NPDWR may be required to be plugged full-length with high-solids bentonite grout, emplaced by tremie pipe, which extends to within twenty-five feet (25') of the bottom of the borehole. Grout, extending from the bottom of the borehole to within two feet (2') of land surface and finished per 10 CSR 23-3.110(2)(A)3.G., is preferred; in any case, the minimum volume of grout shall be no less than the volume calculated as necessary to accomplish full-length plugging of the well.

REVISED PRIVATE COST: This proposed amendment is estimated to cost private entities one hundred fifty-five thousand dollars (\$155,000) during FY02 and three hundred ten thousand dollars (\$310,000) yearly thereafter for the life of the rule. See attached fiscal note.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 10 – Department of Natural Resources

Division: 23 – Division of Geology and Land Survey

Chapter: 3 – Well Construction Code

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 23-3.100 – Sensitive Areas

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
43	Private Landowners	\$310,000

III. WORKSHEET

- Estimated number of wells drilled in the Newton and Jasper County contaminated zone for private landowners.
- Average cost of shallow well (prior to proposed amendment) \$3,069.00. Average cost of deep well (after proposed amendment is effective) - \$10,070.00. Difference of \$7,000.00 per well. Aggregate cost = 43 wells times \$7,000/well=\$310,000.

Well Construction Parameters and Local Geology

	Average Total Depth	Average Casing Length	Number of Domestic Wells (12 yrs)
Jasper	305'	92'	1391
Newton	382'	102'	2361
Average (Both Counties)	344'	97'	--

Average Depth To:	Northview Formation	Chattanooga Shale	Cotter Dolomite	Number of Public Wells in Survey
Jasper	365'	---	383'	30
Newton	312'	334'	337'	49

Estimate of Impact Area Wells to be Constructed

Total Wells In Two Counties	Estimated Impact Area Percentage	Years of Record	Percentage of New Single Family Wells	Estimated Number of Impact Area Wells Per Year
(a)	(b)	(c)	(d)	
1391	18	12	70	15
2361	20	12	70	$a*b/c*d=$ 28
				Total 43

IV. ASSUMPTIONS

1. The rule is assumed to be in effect in perpetuity or until impacted groundwater is remediated. The annualized cost does not take into account inflationary factors or other financial impacts, which are unknown in perpetuity.
2. The new rule is expected to be effective Jan 1, 2002. The cost for the first full fiscal year is assumed to be the same as other years.
3. It is assumed that the size of the regulated community will remain constant. The number of new wells to be subject to this amendment is based on an average of the number of well certification records over the past twelve (12) years for the impacted portions of the two counties.
4. This cost assumes that not all new wells in an impact area will be completed as single family wells. Some property owners will hook-up to existing public utilities (5%), others will use multi-family wells (15%), or large subdivisions will supply water to residences (10%).
5. This cost assumes there will be no new or sudden changes in technology, which would influence cost. Current technology can allow a substantial decrease in cost should more than estimated multiple service connections be used to supply more than one family per well.
6. The estimate of drilling cost is assumed to be the average prevailing well construction rate at the date of drafting the amendment. Currently (July 2001), a 344-foot well should cost approximately \$3,069 and a 600-foot well cased into the low-permeability units between the upper aquifer and lower aquifer should cost approximately \$10,000.
7. This cost assumes that the areal extent of impact is accurate and will not substantially increase or decrease.
8. This cost does not take into account the interest saving available from using State Revolving Fund low-interest loans, state grants, and potential EPA loans or grants.
9. This cost does not take into account the expansion of existing public water districts or the establishment of new public water districts.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.847, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-3.010 Commission Records is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2001 (26 MoReg 1259). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received.

COMMENT: The Commission received one internal comment regarding Level II applications that are temporarily located at the Commission offices on excursion gambling boats.

RESPONSE: The Commission has considered this comment and has decided to make no change to the proposed amendment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.800–313.850, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.380 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2001 (26 MoReg 1259). Changes have been made in the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received.

COMMENT: The Commission received one letter of comment suggesting that Supplier licensees be included in this amendment.
RESPONSE AND EXPLANATION OF CHANGE: The Commission considered this comment and has included Supplier licensees in this amendment.

11 CSR 45-4.380 Occupational License Application and Annual Fees

(5) The initial annual fee for occupational licenses shall be paid in full to cover the first year of licensure. The license expires annually on the last day of the month of issue. The annual occupational license renewal fee will be billed to the Class A or Supplier licensee.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.300, RSMo 2000, the director adopts a rule as follows:

12 CSR 10-23.452 Internet Renewal of License Plates is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1458). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.765, RSMo 2000, the director withdraws an amendment as follows:

12 CSR 10-24.442 Stacking Sixty (60)-Day, Ninety (90)-Day, One Hundred Twenty (120)-Day and One Hundred Eighty (180)-Day Disqualifications is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1458–1459). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The department is withdrawing this proposed amendment based on written comments received and until such time as further research can be completed.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.755, RSMo 2000, the director adopts a rule as follows:

12 CSR 10-24.465 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1329). The sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one letter of comment on this proposed rule.

COMMENT: One commenter recommended the department change the verbiage in section (1), to bring the rule into compliance with the Federal Motor Carrier Safety Regulations.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the recommended changes and section (1) of this rule has been modified as indicated above.

12 CSR 10-24.465 Disqualification of Commercial Motor Vehicle Operators Due to Railroad-Highway Grade Crossing Violations

(1) A driver who is convicted of operating a commercial motor vehicle (CMV) in violation of a federal, state, or local law or regulation pertaining to one (1) of the following six (6) offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in section (2) of this rule:

(A) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(B) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(C) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(D) Failing to have sufficient space to drive completely through the crossing without stopping;

(E) Failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(F) Failing to negotiate a crossing because of insufficient undercarriage clearance.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1459). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 5—Retirement, Options and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board of trustees hereby amends a rule as follows:

16 CSR 10-5.030 Beneficiary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1459). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Non-Teacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo 2000, the board of trustees hereby amends a rule as follows:

16 CSR 10-6.090 Beneficiary is amended.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
K. C. Police Credit Union 2800 E. 14 th Street Kansas City, MO 64127	Individuals eligible to belong to The Missouri Peace Officers Association, employees of the Missouri Peace Officers Association, individuals who work for agencies eligible to belong to the Missouri Police Chiefs Associations, individuals who work for agencies eligible to belong to the Metropolitan Chiefs and Sheriffs Association, employees of the Metropolitan Chiefs and Sheriffs Association, and immediate members of families of such individuals and employees and pensioners and organizations and associations of all of the aforementioned

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

This notice was published in the September 4, 2001, *Missouri Register* (26 MoReg 1765). One zip code was inadvertently left out, and is reprinted here for clarification.

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geo-

graphic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Lake City Credit Union 2112 S. 291 Hwy Suite J Independence, MO 64057	Missouri Zip codes 64014, 64015, 64016, 64056, 64057, 64058

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 265—Division of Motor Carrier and Railroad Safety

Chapter 8—Railroads and Street Railroads

IN ADDITION

In the November 29, 1991 update to the *Code of State Regulations* 4 CSR 265-8 was updated. 4 CSR 265-8.060 was reprinted as a result of that update, however, there were no changes to 4 CSR 265-8.060. Unfortunately, four diagrams that had been a part of rule 4 CSR 265-8.060 prior to that update were accidentally dropped from the rule. In the October 31, 2001 update to the *Code of State Regulations* these diagrams have been restored to their proper place in the rule at the request of the agency.

The diagrams are reprinted here for clarification.

4 CSR 265-8.060 Structural Clearances

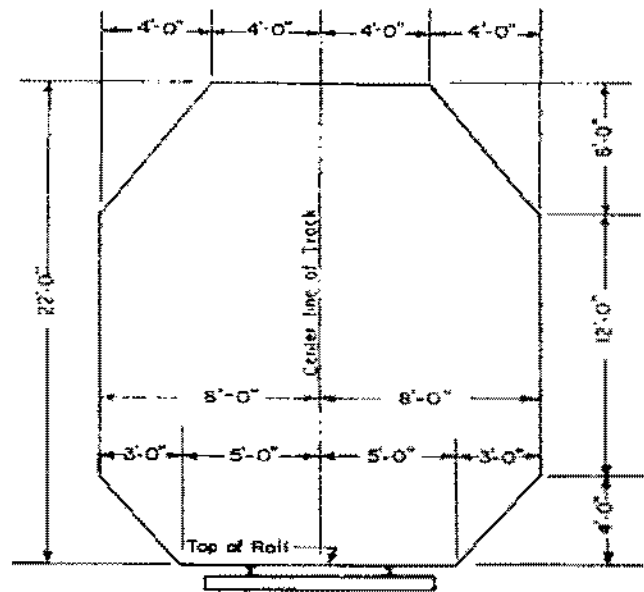


Figure 1. Bridge Clearance Diagram for Tangent Track on Steam and Diesel Railroads

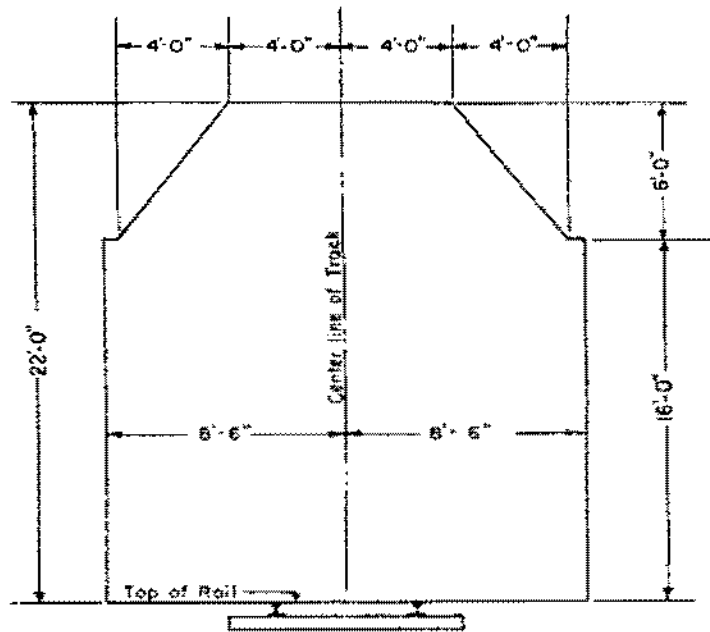


Figure 2. General Clearance Diagram for Buildings Adjacent to Tangent Track on Steam and Diesel Railroads.

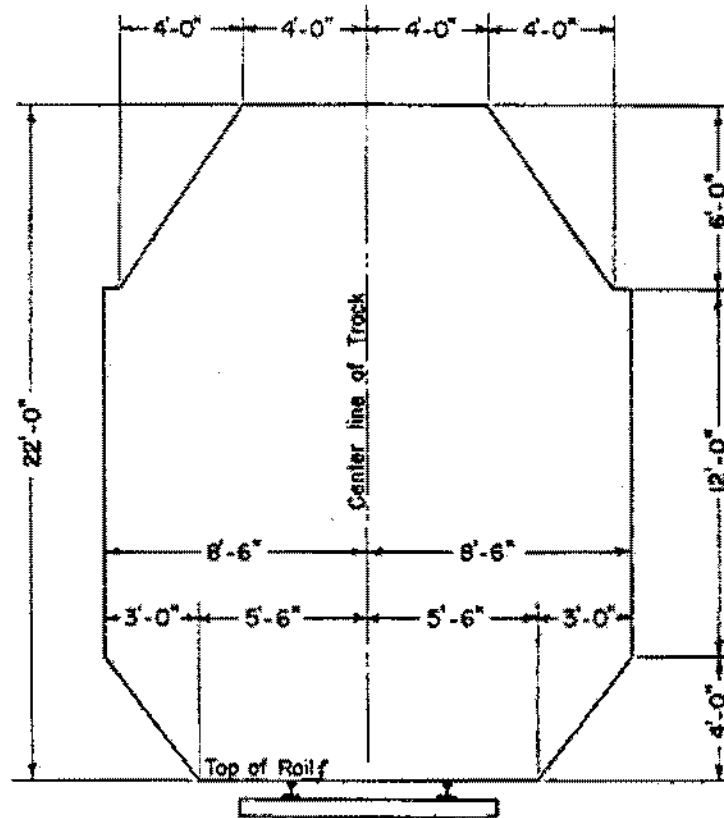


Figure 3. General Clearance Diagram for Structures Other than Bridges, Buildings, Platforms, Retainers and Guards.

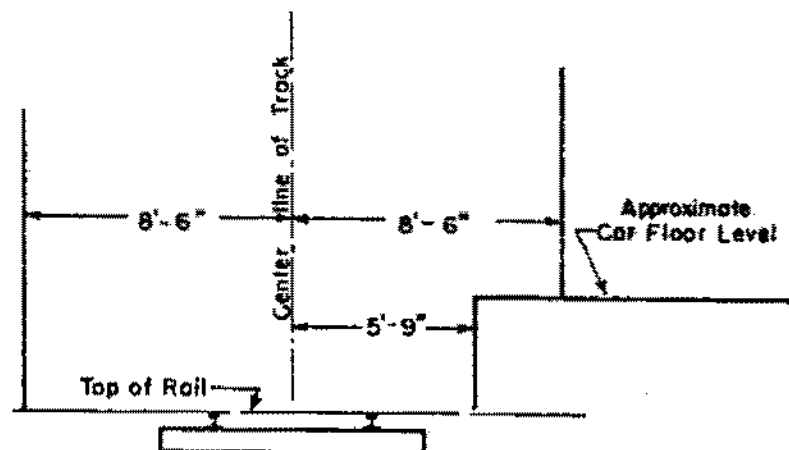


Figure 4. Clearance Diagram for Freight Platforms, Retainers and Guards Adjacent to Tangent Track on Steam and Diesel Railroads

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance

IN ADDITION

11 CSR 45-7.040 Required Surveillance

A proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 802–803) and a final order of rulemaking was published in the *Missouri Register* on August 15, 2001 (26 MoReg 1587–1588).

The order as published in the August 31, 2001 update to the *Code of State Regulations* shows subsection (1)(O) reprinted as (1)(M) and subsections (1)(N) and (1)(O) reprinted as section (2). Subsections (1)(N) and (1)(O) were inadvertently also printed in the August 31, 2001 update to the *Code of State Regulations*.

This rule is being published correctly in the October 31, 2001 update to the *Code of State Regulations* showing subsection (1)(M) as the last part of section (1).

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure
[Chapter 8—Adult Day Care Program Licensure]
Chapter 90—Adult Day Care Program Licensure

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-8.010] **19 CSR 30-90.010** Definitions

[13 CSR 15-8.020] **19 CSR 30-90.020** Licensure Requirements

[13 CSR 15-8.030] **19 CSR 30-90.030** Participants' Rights and Program Policies

[13 CSR 15-8.040] **19 CSR 30-90.040** Staffing Requirements

[13 CSR 15-8.050] **19 CSR 30-90.050** Program and Participant Care Requirements

[13 CSR 15-8.060] **19 CSR 30-90.060** Recordkeeping Requirements

[13 CSR 15-8.070] **19 CSR 30-90.070** Facility Physical Requirements

[13 CSR 15-8.080] **19 CSR 30-90.080** Fire Safety Requirements

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure
[Chapter 9—Certification]
Chapter 81—Certification

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-9.010] **19 CSR 30-81.010** General Certification Requirements

[13 CSR 15-9.015] **19 CSR 30-81.015** Resident Assessment Instrument

[13 CSR 15-9.020] **19 CSR 30-81.020** Prolong-Term Care Screening

[13 CSR 15-9.030] **19 CSR 30-81.030** Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure
[Chapter 10—General Licensure Requirements]
Chapter 82—General Licensure Requirements

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-10.010] **19 CSR 30-82.010** General Licensure Requirements

[13 CSR 15-10.020] **19 CSR 30-82.020** Classification of Rules

[13 CSR 15-10.030] **19 CSR 30-82.030** Assessment of Availability of Beds

[13 CSR 15-10.050] **19 CSR 30-82.050** Transfer and Discharge Procedures

[13 CSR 15-10.060] **19 CSR 30-82.060** Hiring Restrictions—Good Cause Waiver

[13 CSR 15-10.070] **19 CSR 30-82.070** Alzheimer's Demonstration Projects

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure

[Chapter 11—Definition of Terms]
Chapter 83—Definition of Terms

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rule is transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-11.010] **19 CSR 30-83.010** Definition of Terms

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure

[Chapter 13—Training Program for Nursing Assistants]
Chapter 84—Training Program for Nursing Assistants

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-13.010] **19 CSR 30-84.010** Nurse Assistant Training Program

[13 CSR 15-13.020] **19 CSR 30-84.020** Certified Medication Technician Training Program

[13 CSR 15-13.030] **19 CSR 30-84.030** Level I Medication Aide

[13 CSR 15-13.040] **19 CSR 30-84.040** Insulin Administration Training Program

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure

[Chapter 14—Intermediate Care and Skilled Nursing Facility]
Chapter 85—Intermediate Care and Skilled Nursing Facility

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules

are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-14.012] **19 CSR 30-85.012** Construction Standards for New Intermediate Care and Skilled Nursing Facilities and Additions to and Major Remodeling of Intermediate Care and Skilled Nursing Facilities

[13 CSR 15-14.022] **19 CSR 30-85.022** Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities

[13 CSR 15-14.032] **19 CSR 30-85.032** Physical Plant Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities

[13 CSR 15-14.042] **19 CSR 30-85.042** Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities

[13 CSR 15-14.052] **19 CSR 30-85.052** Dietary Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure

[Chapter 15—Residential Care Facilities I and II]
Chapter 86—Residential Care Facilities I and II

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-15.012] **19 CSR 30-86.012** Construction Standards for New and Existing Residential Care Facilities I and II

[13 CSR 15-15.022] **19 CSR 30-86.022** Fire Safety Standards for New and Existing Residential Care Facilities I and II

[13 CSR 15-15.032] **19 CSR 30-86.032** Physical Plant Requirements for New and Existing Residential Care Facilities I and II

[13 CSR 15-15.042] **19 CSR 30-86.042** Administrative, Personnel and Resident Care Requirements for New and Existing Residential Care Facilities I and II

[13 CSR 15-15.045] **19 CSR 30-86.045** Standards and Requirements for Residential Care Facilities II Which Provide Services to Residents with Alzheimer's Disease or Other Dementia

[13 CSR 15-15.052] **19 CSR 30-86.052** Dietary Requirements for New and Existing Residential Care Facilities I and II

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure

[Chapter 17—Sanitation Requirements for Long-Term Care Facilities]
Chapter 87—Sanitation Requirements for Long-Term Care Facilities

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-17.010] **19 CSR 30-87.010** Definitions

[13 CSR 15-17.020] **19 CSR 30-87.020** General Sanitation Requirements for New and Existing Long-Term Care Facilities

[13 CSR 15-17.030] **19 CSR 30-87.030** Sanitation Requirements for Food Service

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure

[Chapter 18—Resident's Rights and Handling Resident Funds and Property in Long-Term Care Facilities]
Chapter 88—Resident's Rights and Handling Resident Funds and Property in Long-Term Care Facilities

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rules are transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-18.010] **19 CSR 30-88.010** Resident Rights

[13 CSR 15-18.020] **19 CSR 30-88.020** Resident's Funds and Property

[Title 13—DEPARTMENT OF SOCIAL SERVICES]
Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

[Division 15—Division of Aging]
Division 30—Division of Health Standards and Licensure

[Chapter 20—Specialized Long-Term Care Facilities or Special Care Units]
Chapter 89—Specialized Long-Term Care Facilities or Special Care Units

IN ADDITION

As a result of the renaming of the Department of Health to the Department of Health and Senior Services due to the transfer of

the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, the following rule is transferred to the Division of Health Standards and Licensure. The transfer was effective **August 28, 2001**.

[13 CSR 15-20.010] **19 CSR 30-89.010** Pediatric Nursing Facilities

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

IN ADDITION

This In Addition corrects an error in the proposed amendment to 13 CSR 70-20.034 as published in the October 15, 2001 *Missouri Register* (26 MoReg 2018–2019). There should have been only two (2) new entries added in section (2) rather than three (3) as published. The entry under the Drug and Category of Drug heading should not have included "Brand name Non-steroidal Anti-Inflammatory Agents, Oral" and the additional information beside it on the table in the second column. Section (2) is reprinted here in its entirety for clarification purposes only.

13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization is Required

(2) List of drugs or categories of drugs which are restricted to require prior authorization for certain specified indications—

<u>Drug or Category of Drug</u>	<u>Allowed Indications</u>
Abortifacients	Termination of pregnancy resulting from an act of rape, or incest or when necessary to protect the life of the mother
Butorphanol, nasal spray	Override of quantity restriction allowed for medically accepted uses
Drugs used to treat sexual dysfunction	Sexual dysfunction
Histamine 2 Receptor Antagonists	Medically accepted uses
Human growth hormone products	Unrestricted use by patients 18 years of age and younger and medically accepted uses for patients older than 18 years of age
Ketorolac, oral	Short-term treatment of moderately severe acute pain following injection of same entity
Linezolid, oral	Medically accepted uses
Modafanil	Narcolepsy
Non-sedating antihistamines	Unrestricted use by patients 18 years of age and younger and medically accepted uses following acceptable trial of unrestricted alternatives for patients older than 18 years of age
Proton Pump Inhibitors	Medically accepted uses

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

APPLICATION REVIEW SCHEDULE

DATE FILED:
APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the December 3, 2001, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

09/07/01

#3170 HS: St. Anthony's Medical Center
St. Louis (St. Louis County)
\$2,025,738, Renovate and expand radiology department

09/21/01

#3174 HS: Barnes-Jewish Hospital
St. Louis (St. Louis City)
\$2,406,855, Acquire positron emission tomography/
computed tomography unit

09/21/01

#3176 HS: St. John's Mercy Medical Center
St. Louis (St. Louis County)
\$2,970,111, Expand endovascular service

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by October 22, 2001. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B1E02098 Boat & Trailer 11/1/01;
B1E02103 Meat Products: Freezer/Cooler Items 11/1/01;
B1Z02046 Fuel: Fleet Fuel Card 11/1/01;
B3Z02058 Audit Services 11/2/01;
B1E02106 Mace: Pepper Spray 11/5/01;
B3E02081 Vehicle Safety Inspection Sticker 11/7/01;
B3Z01248 Administration Services-Minority Arts Program 11/9/01;
B3Z02006 Administration Services-Arts Education Program 11/9/01;
B3Z02032 Dental Services 11/12/01;
B2Z02000 Electronic Benefit Transfer (EBT) Services 11/19/01;
B3Z02043 Media Campaign-Anti-Litter 11/28/01;
B3Z02033 Child Care Program Accreditation Facilitation Services 11/29/01;
B3Z02054 Missouri Assessment Program (MAP) Services 12/17/01.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

1.) Immunization Assessment Services, supplied by the Missouri Chapter of the American Academy of Pediatrics. 2.) Monitoring, In-Service and Technical Assistance for Parent Educators throughout the State of Missouri, supplied by the Parents as Teachers National Center (PATNC).

Child Care Resource & Referral Services, supplied by Child Care Resource and Referral Network.

Ongoing IBM Software Maintenance, supplied by IBM Corporation.

Missouri Professional Engineers License Examination Booklets, supplied by the National Council of Engineer Examiners.

1.) Healthy Families Home Visitation Training, supplied by Prevent Child Abuse Missouri. 2.) Library Investment for Tomorrow-Missouri (LIFT), supplied by Literacy Investment for Tomorrow-Missouri. 3.) GWI Help Desk Software & Maintenance Support Services, supplied by GWI Software, Inc.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				24 MoReg 2535 25 MoReg 2478
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development	26 MoReg 1305R			
	.....	26 MoReg 1305			
2 CSR 70-13.030	Plant Industries		26 MoReg 905.....	26 MoReg 1837	
2 CSR 90-40.010	Weights and Measures		26 MoReg 1129R.....	26 MoReg 1837R	
2 CSR 90-50.010	Weights and Measures		26 MoReg 1129R.....	26 MoReg 1837R	
2 CSR 100-10.010	Weights and Measures		26 MoReg 1623		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		26 MoReg 1795		
3 CSR 10-5.550	Conservation Commission		26 MoReg 1891		
3 CSR 10-5.551	Conservation Commission		26 MoReg 1893		
3 CSR 10-5.559	Conservation Commission		26 MoReg 1895		
3 CSR 10-5.560	Conservation Commission		26 MoReg 1897		
3 CSR 10-5.565	Conservation Commission		26 MoReg 1899		
3 CSR 10-6.405	Conservation Commission		This Issue		
3 CSR 10-7.440	Conservation Commission		N.A.....	26 MoReg 1927	
3 CSR 10-9.110	Conservation Commission		26 MoReg 1308	26 MoReg 1837	
3 CSR 10-9.442	Conservation Commission		N.A.....	26 MoReg 1928	
3 CSR 10-11.115	Conservation Commission		N.A.....	This Issue	
3 CSR 10-11.160	Conservation Commission		N.A.....	This Issue	
3 CSR 10-11.182	Conservation Commission		26 MoReg 1901		
3 CSR 10-11.200	Conservation Commission		26 MoReg 1901		
3 CSR 10-11.210	Conservation Commission		26 MoReg 1901		
3 CSR 10-11.215	Conservation Commission		26 MoReg 1902		
3 CSR 10-12.109	Conservation Commission		26 MoReg 1308	26 MoReg 1838	
3 CSR 10-12.110	Conservation Commission		26 MoReg 1902		
3 CSR 10-12.135	Conservation Commission		26 MoReg 1902		
3 CSR 10-12.140	Conservation Commission		26 MoReg 1902		
3 CSR 10-12.145	Conservation Commission		26 MoReg 1902		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.160	Missouri State Board of Accountancy	26 MoReg 1501			
4 CSR 15-1.010	Acupuncturist Advisory Committee		26 MoReg 1624		
4 CSR 15-1.020	Acupuncturist Advisory Committee		26 MoReg 1628		
4 CSR 15-1.030	Acupuncturist Advisory Committee		26 MoReg 1631		
4 CSR 15-2.010	Acupuncturist Advisory Committee		26 MoReg 1631		
4 CSR 15-2.020	Acupuncturist Advisory Committee		26 MoReg 1637		
4 CSR 15-3.010	Acupuncturist Advisory Committee		26 MoReg 1642		
4 CSR 15-3.020	Acupuncturist Advisory Committee		26 MoReg 1647		
4 CSR 15-4.010	Acupuncturist Advisory Committee		26 MoReg 1650		
4 CSR 15-4.020	Acupuncturist Advisory Committee		26 MoReg 1653		
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		This Issue		
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		This Issue		
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		This Issue		
4 CSR 30-4.080	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		This IssueR		
	.....		This Issue		
4 CSR 30-5.120	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		This IssueR		
	.....		This Issue		
4 CSR 30-5.130	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		This IssueR		
	.....		This Issue		
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1406R		
	.....		26 MoReg 1406		
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1409R		
	.....		26 MoReg 1409		
4 CSR 30-11.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1410		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 65-1.060	Endowed Care Cemeteries		This Issue		
4 CSR 65-2.010	Endowed Care Cemeteries		This Issue		
4 CSR 65-2.050	Endowed Care Cemeteries		This Issue		
4 CSR 100	Division of Credit Unions				26 MoReg 1931
	.....				26 MoReg 2049
	.....				This Issue
4 CSR 100-2.040	Division of Credit Unions		26 MoReg 1795		
4 CSR 100-2.060	Division of Credit Unions		26 MoReg 1159	26 MoReg 1704	
4 CSR 100-2.160	Division of Credit Unions		26 MoReg 1796		
4 CSR 110-2.170	Missouri Dental Board		26 MoReg 1414R		
	.....		26 MoReg 1414		
4 CSR 110-2.180	Missouri Dental Board		26 MoReg 1423R		
	.....		26 MoReg 1423		
4 CSR 120-2.100	State Board of Embalmers and Funeral Directors		26 MoReg 1007	26 MoReg 1704	
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 1011	26 MoReg 1704	
4 CSR 150-2.050	State Board of Registration for the Healing Arts		26 MoReg 1014	26 MoReg 1705	
4 CSR 150-2.080	State Board of Registration for the Healing Arts		26 MoReg 1014	26 MoReg 1705	
4 CSR 150-2.125	State Board of Registration for the Healing Arts		26 MoReg 1020	26 MoReg 1705	
4 CSR 150-2.165	State Board of Registration for the Healing Arts		26 MoReg 1021	26 MoReg 1705	
4 CSR 150-6.010	State Board of Registration for the Healing Arts		26 MoReg 1656		
4 CSR 150-8.060	State Board of Registration for the Healing Arts		26 MoReg 1023	26 MoReg 1706	
4 CSR 165-1.020	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656		
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656		
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1657		
4 CSR 220-2.010	State Board of Pharmacy		26 MoReg 1658		
4 CSR 220-2.085	State Board of Pharmacy		26 MoReg 1025	26 MoReg 1929	
4 CSR 220-5.020	State Board of Pharmacy		26 MoReg 1025	26 MoReg 1929	
4 CSR 233-1.040	State Committee of Marital and Family Therapists		26 MoReg 1309	26 MoReg 2047	
4 CSR 233-2.010	State Committee of Marital and Family Therapists		26 MoReg 1309	26 MoReg 2047	
4 CSR 233-2.020	State Committee of Marital and Family Therapists		26 MoReg 1310	26 MoReg 2047	
4 CSR 233-2.021	State Committee of Marital and Family Therapists		26 MoReg 1311	26 MoReg 2047	
4 CSR 233-2.040	State Committee of Marital and Family Therapists		26 MoReg 1312	26 MoReg 2048	
4 CSR 240-2.080	Public Service Commission		26 MoReg 1965		
4 CSR 240-2.130	Public Service Commission		26 MoReg 1966		
4 CSR 240-10.020	Public Service Commission		26 MoReg 1659		
4 CSR 240-21.010	Public Service Commission		26 MoReg 1312		
4 CSR 240-35.010	Public Service Commission		26 MoReg 1659		
4 CSR 240-35.020	Public Service Commission		26 MoReg 1659		
4 CSR 240-35.030	Public Service Commission		26 MoReg 1660R		
4 CSR 240-51.010	Public Service Commission		26 MoReg 1317		
4 CSR 240-120.011	Public Service Commission		26 MoReg 1434		
4 CSR 240-120.065	Public Service Commission		26 MoReg 1434		
4 CSR 240-120.100	Public Service Commission		26 MoReg 1160	This Issue	
4 CSR 240-121.010	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.020	Public Service Commission		26 MoReg 1161	This Issue	
4 CSR 240-121.040	Public Service Commission		26 MoReg 1161	This Issue	
4 CSR 240-121.050	Public Service Commission		26 MoReg 1162		
4 CSR 240-121.055	Public Service Commission		26 MoReg 1434		
4 CSR 240-121.060	Public Service Commission		26 MoReg 1162		
4 CSR 240-121.090	Public Service Commission		26 MoReg 1162	This IssueW	
4 CSR 240-122.010	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.020	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.030	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.040	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.050	Public Service Commission		26 MoReg 1436R		
4 CSR 240-122.060	Public Service Commission		26 MoReg 1436R		
4 CSR 240-122.070	Public Service Commission		26 MoReg 1436R		
4 CSR 240-122.080	Public Service Commission		26 MoReg 1437R		
4 CSR 240-122.090	Public Service Commission		26 MoReg 1437R		
4 CSR 240-123.010	Public Service Commission		26 MoReg 1437		
4 CSR 240-123.030	Public Service Commission		26 MoReg 1438		
4 CSR 240-123.040	Public Service Commission		26 MoReg 1441		
4 CSR 240-123.065	Public Service Commission		26 MoReg 1444		
4 CSR 240-123.070	Public Service Commission		26 MoReg 1444		
4 CSR 240-123.080	Public Service Commission		26 MoReg 1446		
4 CSR 240-124.010	Public Service Commission		26 MoReg 1446		
4 CSR 240-124.040	Public Service Commission		26 MoReg 1447		
4 CSR 240-124.045	Public Service Commission		26 MoReg 1447		
4 CSR 245-5.010	Real Estate Appraisers		26 MoReg 1026	26 MoReg 1706	
4 CSR 245-5.020	Real Estate Appraisers		26 MoReg 1026	26 MoReg 1706	
4 CSR 250-5.020	Missouri Real Estate Commission		This Issue		
4 CSR 265-8.060	Motor Carrier and Railroad Safety				This Issue
4 CSR 270-1.011	Missouri Veterinary Medical Board		26 MoReg 1030	26 MoReg 1706	
4 CSR 270-1.021	Missouri Veterinary Medical Board		26 MoReg 1030	26 MoReg 1706	
4 CSR 270-1.050	Missouri Veterinary Medical Board		26 MoReg 1031R	26 MoReg 1706R	
	.....		26 MoReg 1031	26 MoReg 1707	
4 CSR 270-2.011	Missouri Veterinary Medical Board		26 MoReg 1037	26 MoReg 1707	
4 CSR 270-2.021	Missouri Veterinary Medical Board		26 MoReg 1037	26 MoReg 1707	
4 CSR 270-2.052	Missouri Veterinary Medical Board		26 MoReg 1038	26 MoReg 1707	
4 CSR 270-2.070	Missouri Veterinary Medical Board		26 MoReg 1038	26 MoReg 1707	
4 CSR 270-2.071	Missouri Veterinary Medical Board		26 MoReg 1039	26 MoReg 1708	
4 CSR 270-3.020	Missouri Veterinary Medical Board		26 MoReg 1039	26 MoReg 1708	
4 CSR 270-3.030	Missouri Veterinary Medical Board		26 MoReg 1040	26 MoReg 1708	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 270-3.040	Missouri Veterinary Medical Board		26 MoReg 1040	26 MoReg 1708	
4 CSR 270-4.042	Missouri Veterinary Medical Board		26 MoReg 1041	26 MoReg 1708	
4 CSR 270-4.050	Missouri Veterinary Medical Board		26 MoReg 1047	26 MoReg 1708	
4 CSR 270-4.060	Missouri Veterinary Medical Board		26 MoReg 1051	26 MoReg 1709	
4 CSR 270-5.011	Missouri Veterinary Medical Board		26 MoReg 1051	26 MoReg 1709	
4 CSR 270-7.020	Missouri Veterinary Medical Board		26 MoReg 1054	26 MoReg 1709	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-261.025	Division of Administrative and Financial Services		26 MoReg 912	26 MoReg 1838	
5 CSR 30-340.010	Division of School Services		This Issue		
	<i>(Changed to 5 CSR 50-340.110)</i>				
5 CSR 30-345.020	Division of Administrative and Financial Services		26 MoReg 1320		
	<i>(Changed to 5 CSR 50-345.020)</i>				
5 CSR 50-340.110	Division of School Improvement		This Issue		
	<i>(Changed from 5 CSR 30-340.010)</i>				
5 CSR 50-345.020	Division of School Improvement		26 MoReg 1320		
	<i>(Changed from 5 CSR 30-345.020)</i>				
5 CSR 60-100.020	Vocational and Adult Education		26 MoReg 915	26 MoReg 1838	
5 CSR 60-120.070	Vocational and Adult Education		This IssueR		
	This Issue				
5 CSR 80-800.200	Teacher Quality and Urban Education		26 MoReg 918	26 MoReg 1838	
5 CSR 80-800.220	Teacher Quality and Urban Education		26 MoReg 918	26 MoReg 1839	
5 CSR 80-800.230	Teacher Quality and Urban Education		26 MoReg 919	26 MoReg 1839	
5 CSR 80-800.260	Teacher Quality and Urban Education		26 MoReg 919	26 MoReg 1840	26 MoReg 1931
5 CSR 80-800.270	Teacher Quality and Urban Education		26 MoReg 922	26 MoReg 1840	
5 CSR 80-800.280	Teacher Quality and Urban Education		26 MoReg 922	26 MoReg 1841	
5 CSR 80-800.350	Teacher Quality and Urban Education		26 MoReg 923	26 MoReg 1841	
5 CSR 80-800.360	Teacher Quality and Urban Education		26 MoReg 925	26 MoReg 1841	
5 CSR 80-800.380	Teacher Quality and Urban Education		26 MoReg 926	26 MoReg 1842	
5 CSR 80-850.025	Teacher Quality and Urban Education		26 MoReg 1503		
5 CSR 90-7.010	Vocational Rehabilitation		26 MoReg 1506		
5 CSR 90-7.100	Vocational Rehabilitation		26 MoReg 1507		
5 CSR 90-7.200	Vocational Rehabilitation		26 MoReg 1511		
5 CSR 90-7.300	Vocational Rehabilitation		26 MoReg 1514		
5 CSR 90-7.310	Vocational Rehabilitation		26 MoReg 1514		
5 CSR 90-7.320	Vocational Rehabilitation		26 MoReg 1514		
5 CSR 100-200.010	Missouri Commission for the Deaf		26 MoReg 1660R		
	26 MoReg 1660				
5 CSR 100-200.030	Missouri Commission for the Deaf		26 MoReg 1661R		
	26 MoReg 1661				
5 CSR 100-200.040	Missouri Commission for the Deaf		26 MoReg 1662R		
	26 MoReg 1662				
5 CSR 100-200.050	Missouri Commission for the Deaf		26 MoReg 1662R		
	26 MoReg 1663				
5 CSR 100-200.060	Missouri Commission for the Deaf		26 MoReg 1663R		
	26 MoReg 1663				
5 CSR 100-200.070	Missouri Commission for the Deaf		26 MoReg 1664R		
	26 MoReg 1664				
5 CSR 100-200.075	Missouri Commission for the Deaf		26 MoReg 1665		
5 CSR 100-200.080	Missouri Commission for the Deaf		26 MoReg 1665		
5 CSR 100-200.085	Missouri Commission for the Deaf		26 MoReg 1666R		
	26 MoReg 1666				
5 CSR 100-200.090	Missouri Commission for the Deaf		26 MoReg 1666R		
5 CSR 100-200.100	Missouri Commission for the Deaf		26 MoReg 1667R		
	26 MoReg 1667				
5 CSR 100-200.110	Missouri Commission for the Deaf		26 MoReg 1667R		
5 CSR 100-200.120	Missouri Commission for the Deaf		26 MoReg 1668R		
5 CSR 100-200.125	Missouri Commission for the Deaf		26 MoReg 1668		
5 CSR 100-200.130	Missouri Commission for the Deaf		26 MoReg 1668R		
	26 MoReg 1669				
5 CSR 100-200.140	Missouri Commission for the Deaf		26 MoReg 1670R		
	26 MoReg 1670				
5 CSR 100-200.150	Missouri Commission for the Deaf		26 MoReg 1670R		
	26 MoReg 1671				
5 CSR 100-200.170	Missouri Commission for the Deaf		26 MoReg 1673R		
	26 MoReg 1673				
5 CSR 100-200.175	Missouri Commission for the Deaf		26 MoReg 1675R		
5 CSR 100-200.180	Missouri Commission for the Deaf		26 MoReg 1675R		
	26 MoReg 1676				
5 CSR 100-200.200	Missouri Commission for the Deaf		26 MoReg 1676R		
5 CSR 100-200.210	Missouri Commission for the Deaf		26 MoReg 1677R		
	26 MoReg 1677				
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 5-1.010	Administration		26 MoReg 1322R	26 MoReg 2048R	
8 CSR 70-1.010	Missouri Assistive Technology Advisory Council		26 MoReg 1797		
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council		26 MoReg 1568		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.010	Director, Department of Mental Health		26 MoReg 708	26 MoReg 1709	
9 CSR 10-7.020	Director, Department of Mental Health		26 MoReg 710	26 MoReg 1710	26 MoReg 1846
9 CSR 10-7.030	Director, Department of Mental Health		26 MoReg 711	26 MoReg 1710	26 MoReg 1846
9 CSR 10-7.040	Director, Department of Mental Health		26 MoReg 714	26 MoReg 1711	
9 CSR 10-7.050	Director, Department of Mental Health		26 MoReg 714	26 MoReg 1712	
9 CSR 10-7.060	Director, Department of Mental Health		26 MoReg 715	26 MoReg 1712	
9 CSR 10-7.070	Director, Department of Mental Health		26 MoReg 716	26 MoReg 1712	
9 CSR 10-7.080	Director, Department of Mental Health		26 MoReg 717	26 MoReg 1714	
9 CSR 10-7.090	Director, Department of Mental Health		26 MoReg 718	26 MoReg 1714	
9 CSR 10-7.100	Director, Department of Mental Health		26 MoReg 719	26 MoReg 1714	
9 CSR 10-7.110	Director, Department of Mental Health		26 MoReg 719	26 MoReg 1715	
9 CSR 10-7.120	Director, Department of Mental Health		26 MoReg 720	26 MoReg 1715	
9 CSR 10-7.130	Director, Department of Mental Health		26 MoReg 723	26 MoReg 1715	
9 CSR 10-7.140	Director, Department of Mental Health		26 MoReg 725	26 MoReg 1716	
9 CSR 30-3.010	Certification Standards		26 MoReg 728R	26 MoReg 1716R	
9 CSR 30-3.020	Certification Standards		26 MoReg 728R	26 MoReg 1717R	
9 CSR 30-3.022	Certification Standards		26 MoReg 728	26 MoReg 1717	
9 CSR 30-3.030	Certification Standards		26 MoReg 729R	26 MoReg 1717R	
9 CSR 30-3.032	Certification Standards		26 MoReg 729	26 MoReg 1717	
9 CSR 30-3.040	Certification Standards		26 MoReg 730R	26 MoReg 1718R	
9 CSR 30-3.050	Certification Standards		26 MoReg 730R	26 MoReg 1718R	
9 CSR 30-3.060	Certification Standards		26 MoReg 731R	26 MoReg 1718R	
9 CSR 30-3.070	Certification Standards		26 MoReg 731R	26 MoReg 1718R	
9 CSR 30-3.080	Certification Standards		26 MoReg 731R	26 MoReg 1718R	
9 CSR 30-3.100	Certification Standards		26 MoReg 731	26 MoReg 1718	
9 CSR 30-3.110	Certification Standards		26 MoReg 735	26 MoReg 1720	
9 CSR 30-3.120	Certification Standards		26 MoReg 737	26 MoReg 1721	
9 CSR 30-3.130	Certification Standards		26 MoReg 739	26 MoReg 1722	
9 CSR 30-3.132	Certification Standards		26 MoReg 750	26 MoReg 1724	
	(Changed from 9 CSR 30-3.610)				
9 CSR 30-3.134	Certification Standards		26 MoReg 753	26 MoReg 1726	
	(Changed from 9 CSR 30-3.611)				
9 CSR 30-3.140	Certification Standards		26 MoReg 741	26 MoReg 1726	
9 CSR 30-3.150	Certification Standards		26 MoReg 742	26 MoReg 1727	
9 CSR 30-3.160	Certification Standards		26 MoReg 742	26 MoReg 1727	
9 CSR 30-3.190	Certification Standards		26 MoReg 745	26 MoReg 1728	26 MoReg 1932
9 CSR 30-3.192	Certification Standards		26 MoReg 746	26 MoReg 1728	
9 CSR 30-3.200	Certification Standards		26 MoReg 747R	26 MoReg 1729R	
9 CSR 30-3.201	Certification Standards		26 MoReg 758	26 MoReg 1729	
	(Changed from 9 CSR 30-3.700)				
9 CSR 30-3.202	Certification Standards		26 MoReg 760	26 MoReg 1729	26 MoReg 1932
	(Changed from 9 CSR 30-3.730)				
9 CSR 30-3.204	Certification Standards		26 MoReg 762	26 MoReg 1729	
	(Changed from 9 CSR 30-3.750)				
9 CSR 30-3.206	Certification Standards		26 MoReg 764	26 MoReg 1729	
	(Changed from 9 CSR 30-3.760)				
9 CSR 30-3.208	Certification Standards		26 MoReg 768	26 MoReg 1730	
	(Changed from 9 CSR 30-3.790)				
9 CSR 30-3.210	Certification Standards		26 MoReg 748R	26 MoReg 1730R	
9 CSR 30-3.220	Certification Standards		26 MoReg 748R	26 MoReg 1730R	
9 CSR 30-3.230	Certification Standards		26 MoReg 768	26 MoReg 1730	
	(Changed from 9 CSR 30-3.800)				
9 CSR 30-3.240	Certification Standards		26 MoReg 748R	26 MoReg 1731R	
9 CSR 30-3.250	Certification Standards		26 MoReg 748R	26 MoReg 1731R	
9 CSR 30-3.300	Certification Standards		26 MoReg 755	26 MoReg 1731	
	(Changed from 9 CSR 30-3.630)				
9 CSR 30-3.400	Certification Standards		26 MoReg 749R	26 MoReg 1731R	
9 CSR 30-3.410	Certification Standards		26 MoReg 749R	26 MoReg 1731R	
9 CSR 30-3.420	Certification Standards		26 MoReg 749R	26 MoReg 1732R	
9 CSR 30-3.500	Certification Standards		26 MoReg 749R	26 MoReg 1732R	
9 CSR 30-3.510	Certification Standards		26 MoReg 750R	26 MoReg 1732R	
9 CSR 30-3.600	Certification Standards		26 MoReg 750R	26 MoReg 1732R	
9 CSR 30-3.610	Certification Standards		26 MoReg 750	26 MoReg 1724	
	(Changed to 9 CSR 30-3.132)				
9 CSR 30-3.611	Certification Standards		26 MoReg 753	26 MoReg 1726	
	(Changed to 9 CSR 30-3.134)				
9 CSR 30-3.620	Certification Standards		26 MoReg 755R	26 MoReg 1732R	
9 CSR 30-3.621	Certification Standards		26 MoReg 755R	26 MoReg 1732R	
9 CSR 30-3.630	Certification Standards		26 MoReg 755	26 MoReg 1731	
	(Changed to 9 CSR 30-3.300)				
9 CSR 30-3.700	Certification Standards		26 MoReg 758	26 MoReg 1729	
	(Changed to 9 CSR 30-3.201)				
9 CSR 30-3.710	Certification Standards		26 MoReg 759R	26 MoReg 1733R	
9 CSR 30-3.720	Certification Standards		26 MoReg 759R	26 MoReg 1733R	
9 CSR 30-3.730	Certification Standards		26 MoReg 760	26 MoReg 1729	26 MoReg 1932
	(Changed to 9 CSR 30-3.202)				
9 CSR 30-3.740	Certification Standards		26 MoReg 762R	26 MoReg 1733R	
9 CSR 30-3.750	Certification Standards		26 MoReg 762	26 MoReg 1729	
	(Changed to 9 CSR 30-3.204)				
9 CSR 30-3.760	Certification Standards		26 MoReg 764	26 MoReg 1729	
	(Changed to 9 CSR 30-3.206)				
9 CSR 30-3.770	Certification Standards		26 MoReg 767R	26 MoReg 1733R	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
9 CSR 30-3.780	Certification Standards.....		26 MoReg 767R.....	26 MoReg 1733R	
9 CSR 30-3.790	Certification Standards..... (<i>Changed to 9 CSR 30-3.208</i>)		26 MoReg 768.....	26 MoReg 1730	
9 CSR 30-3.800	Certification Standards..... (<i>Changed to 9 CSR 30-2.230</i>)		26 MoReg 768.....	26 MoReg 1730	
9 CSR 30-3.810	Certification Standards.....		26 MoReg 772R.....	26 MoReg 1733R	
9 CSR 30-3.820	Certification Standards.....		26 MoReg 772R.....	26 MoReg 1734R	
9 CSR 30-3.830	Certification Standards.....		26 MoReg 772R.....	26 MoReg 1734R	
9 CSR 30-3.840	Certification Standards.....		26 MoReg 773R.....	26 MoReg 1734R	
9 CSR 30-3.850	Certification Standards.....		26 MoReg 773R.....	26 MoReg 1734R	
9 CSR 30-3.851	Certification Standards.....		26 MoReg 773R.....	26 MoReg 1734R	
9 CSR 30-3.852	Certification Standards.....		26 MoReg 774R.....	26 MoReg 1734R	
9 CSR 30-3.853	Certification Standards.....		26 MoReg 774R.....	26 MoReg 1735R	
9 CSR 30-3.860	Certification Standards.....		26 MoReg 774R.....	26 MoReg 1735R	
9 CSR 30-3.870	Certification Standards.....		26 MoReg 774R.....	26 MoReg 1735R	
9 CSR 30-3.880	Certification Standards.....		26 MoReg 775R.....	26 MoReg 1735R	
9 CSR 30-3.890	Certification Standards.....		26 MoReg 775R.....	26 MoReg 1735R	
9 CSR 30-3.900	Certification Standards.....		26 MoReg 775R.....	26 MoReg 1735R	
9 CSR 30-3.910	Certification Standards.....		26 MoReg 775R.....	26 MoReg 1736R	
9 CSR 30-3.920	Certification Standards.....		26 MoReg 776R.....	26 MoReg 1736R	
9 CSR 30-3.930	Certification Standards.....		26 MoReg 776R.....	26 MoReg 1736R	
9 CSR 30-3.940	Certification Standards.....		26 MoReg 776R.....	26 MoReg 1736R	
9 CSR 30-3.950	Certification Standards.....		26 MoReg 776R.....	26 MoReg 1736R	
9 CSR 30-3.960	Certification Standards.....		26 MoReg 777R.....	26 MoReg 1736R	
9 CSR 30-3.970	Certification Standards.....		26 MoReg 777R.....	26 MoReg 1737R	
9 CSR 30-4.010	Certification Standards.....		26 MoReg 777.....	26 MoReg 1737	
9 CSR 30-4.020	Certification Standards.....		26 MoReg 778.....	26 MoReg 1737	
9 CSR 30-4.030	Certification Standards.....		26 MoReg 780.....	26 MoReg 1737	
9 CSR 30-4.031	Certification Standards.....		26 MoReg 781.....	26 MoReg 1738	
9 CSR 30-4.032	Certification Standards.....		26 MoReg 783.....	26 MoReg 1738	
9 CSR 30-4.033	Certification Standards.....		26 MoReg 784.....	26 MoReg 1738	
9 CSR 30-4.034	Certification Standards.....		26 MoReg 785.....	26 MoReg 1738	
9 CSR 30-4.035	Certification Standards.....		26 MoReg 787.....	26 MoReg 1739.....	26 MoReg 1933
9 CSR 30-4.036	Certification Standards.....		26 MoReg 789R.....	26 MoReg 1740R	
9 CSR 30-4.037	Certification Standards.....		26 MoReg 790R.....	26 MoReg 1740R	
9 CSR 30-4.038	Certification Standards.....		26 MoReg 790.....	26 MoReg 1741	
9 CSR 30-4.039	Certification Standards.....		26 MoReg 791.....	26 MoReg 1741	
9 CSR 30-4.040	Certification Standards.....		26 MoReg 791.....	26 MoReg 1741	
9 CSR 30-4.041	Certification Standards.....		26 MoReg 792.....	26 MoReg 1741	
9 CSR 30-4.043	Certification Standards.....		26 MoReg 793.....	26 MoReg 1741	
9 CSR 30-4.044	Certification Standards.....		26 MoReg 795R.....	26 MoReg 1742R	
9 CSR 30-4.100	Certification Standards.....		26 MoReg 795R.....	26 MoReg 1742R	
9 CSR 30-4.110	Certification Standards.....		26 MoReg 795R.....	26 MoReg 1742R	
9 CSR 30-4.120	Certification Standards.....		26 MoReg 796R.....	26 MoReg 1742R	
9 CSR 30-4.130	Certification Standards.....		26 MoReg 796R.....	26 MoReg 1743R	
9 CSR 30-4.140	Certification Standards.....		26 MoReg 796R.....	26 MoReg 1743R	
9 CSR 30-4.150	Certification Standards.....		26 MoReg 796R.....	26 MoReg 1743R	
9 CSR 30-4.160	Certification Standards.....		26 MoReg 797.....	26 MoReg 1743.....	26 MoReg 1933
9 CSR 30-4.170	Certification Standards.....		26 MoReg 798R.....	26 MoReg 1743R	
9 CSR 30-4.180	Certification Standards.....		26 MoReg 798R.....	26 MoReg 1744R	
9 CSR 30-4.190	Certification Standards.....		26 MoReg 798.....	26 MoReg 1744	

DEPARTMENT OF NATURAL RESOURCES

10 CSR 10-2.210	Air Conservation Commission.....		26 MoReg 507.....	26 MoReg 1744	
10 CSR 10-5.300	Air Conservation Commission.....		26 MoReg 1967		
10 CSR 10-6.050	Air Conservation Commission.....		26 MoReg 1456		
10 CSR 10-6.060	Air Conservation Commission.....		26 MoReg 1974		
10 CSR 10-6.065	Air Conservation Commission.....		26 MoReg 1975		
10 CSR 10-6.110	Air Conservation Commission.....		26 MoReg 1322.....	This Issue	26 MoReg 1846S
10 CSR 10-6.280	Air Conservation Commission.....		26 MoReg 1570		
10 CSR 20-4.023	Clean Water Commission.....		26 MoReg 860		
10 CSR 20-4.043	Clean Water Commission.....		26 MoReg 861		
10 CSR 20-6.200	Clean Water Commission.....		26 MoReg 1976		
10 CSR 20-15.010	Clean Water Commission.....		26 MoReg 1992		
10 CSR 20-15.020	Clean Water Commission.....		26 MoReg 1993		
10 CSR 20-15.030	Clean Water Commission.....		26 MoReg 2005		
10 CSR 23-3.100	Division of Geology and Land Survey		26 MoReg 1163.....	This Issue	
10 CSR 25-1.010	Hazardous Waste Management Commission		26 MoReg 518.....	26 MoReg 1752	
10 CSR 25-3.260	Hazardous Waste Management Commission		26 MoReg 518.....	26 MoReg 1752	
10 CSR 25-4.261	Hazardous Waste Management Commission		26 MoReg 521.....	26 MoReg 1752	
10 CSR 25-5.262	Hazardous Waste Management Commission		26 MoReg 523.....	26 MoReg 1752	
10 CSR 25-7.264	Hazardous Waste Management Commission		26 MoReg 530.....	26 MoReg 1753	
10 CSR 25-7.265	Hazardous Waste Management Commission		26 MoReg 531.....	26 MoReg 1753	
10 CSR 25-7.266	Hazardous Waste Management Commission		26 MoReg 532.....	26 MoReg 1753	
10 CSR 25-7.268	Hazardous Waste Management Commission		26 MoReg 533.....	26 MoReg 1753	
10 CSR 25-7.270	Hazardous Waste Management Commission		26 MoReg 535.....	26 MoReg 1754	
10 CSR 25-8.124	Hazardous Waste Management Commission		26 MoReg 538.....	26 MoReg 1754	
10 CSR 25-9.020	Hazardous Waste Management Commission		26 MoReg 541.....	26 MoReg 1754	
10 CSR 25-10.010	Hazardous Waste Management Commission		26 MoReg 545.....	26 MoReg 1755	
10 CSR 25-11.279	Hazardous Waste Management Commission		26 MoReg 547.....	26 MoReg 1755	
10 CSR 25-12.010	Hazardous Waste Management Commission		26 MoReg 548.....	26 MoReg 1755.....	25 MoReg 2253
10 CSR 25-13.010	Hazardous Waste Management Commission		26 MoReg 554.....	26 MoReg 1755	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 25-15.010	Hazardous Waste Management Commission		26 MoReg 559	26 MoReg 1756	
10 CSR 25-16.273	Hazardous Waste Management Commission		26 MoReg 560	26 MoReg 1756	
10 CSR 40-10.020	Land Reclamation Commission		26 MoReg 1798		
10 CSR 40-10.050	Land Reclamation Commission		26 MoReg 1798		
10 CSR 60-7.020	Land Reclamation Commission		26 MoReg 1799		
10 CSR 60-10.040	Land Reclamation Commission		26 MoReg 1801		
10 CSR 60-14.020	Public Drinking Water Program				26 MoReg 1847
10 CSR 60-15.020	Public Drinking Water Program		26 MoReg 1802		
10 CSR 60-15.030	Public Drinking Water Program		26 MoReg 1804		
10 CSR 60-15.050	Public Drinking Water Program		26 MoReg 1804		
10 CSR 60-15.060	Public Drinking Water Program		26 MoReg 1805		
10 CSR 60-15.070	Public Drinking Water Program		26 MoReg 1809		
10 CSR 60-15.080	Public Drinking Water Program		26 MoReg 1813		
10 CSR 60-15.090	Public Drinking Water Program		26 MoReg 1816		

DEPARTMENT OF PUBLIC SAFETY

11 CSR 30-7.010	Office of the Director		26 MoReg 1817		
11 CSR 40-5.065	Division of Fire Safety	26 MoReg 1125	26 MoReg 1173	26 MoReg 1844	
11 CSR 40-6.060	Division of Fire Safety	26 MoReg 857			
11 CSR 45-3.010	Missouri Gaming Commission		26 MoReg 1259	This Issue	
11 CSR 45-4.380	Missouri Gaming Commission		26 MoReg 1259	This Issue	
11 CSR 45-5.100	Missouri Gaming Commission		26 MoReg 1054	26 MoReg 1844	
11 CSR 45-5.237	Missouri Gaming Commission		26 MoReg 1054	26 MoReg 1844	
11 CSR 45-7.040	Missouri Gaming Commission				This Issue
11 CSR 45-12.090	Missouri Gaming Commission		26 MoReg 1055	26 MoReg 1844	
11 CSR 45-12.091	Missouri Gaming Commission		26 MoReg 1057	26 MoReg 1845	
11 CSR 45-30.190	Missouri Gaming Commission		This Issue		
11 CSR 45-30.395	Missouri Gaming Commission		This Issue		
11 CSR 45-30.525	Missouri Gaming Commission		This Issue		
11 CSR 50-2.020	Missouri State Highway Patrol	26 MoReg 1793	26 MoReg 1817		
11 CSR 50-2.120	Missouri State Highway Patrol		26 MoReg 1818		
11 CSR 50-2.270	Missouri State Highway Patrol	26 MoReg 1793	26 MoReg 1818		
11 CSR 70-3.010	Division of Liquor Control		This Issue		
11 CSR 70-3.020	Division of Liquor Control		This Issue		

DEPARTMENT OF REVENUE

12 CSR	Construction Transient Employers				26 MoReg 1214
					26 MoReg 1848
12 CSR 10-3.280	Director of Revenue		26 MoReg 1060R	26 MoReg 1756R	
12 CSR 10-3.882	Director of Revenue		26 MoReg 1060R	26 MoReg 1756R	
12 CSR 10-23.275	Director of Revenue		This Issue		
12 CSR 10-23.452	Director of Revenue		26 MoReg 1458	This Issue	
12 CSR 10-24.030	Director of Revenue	26 MoReg 1961	26 MoReg 1677		
12 CSR 10-24.050	Director of Revenue		This Issue		
12 CSR 10-24.190	Director of Revenue		This Issue		
12 CSR 10-24.300	Director of Revenue		This Issue		
12 CSR 10-24.326	Director of Revenue		This Issue		
12 CSR 10-24.402	Director of Revenue		This Issue		
12 CSR 10-24.442	Director of Revenue		26 MoReg 1458	This IssueW	
12 CSR 10-24.462	Director of Revenue		This Issue		
12 CSR 10-24.465	Director of Revenue		26 MoReg 1329	This Issue	
12 CSR 10-110.600	Director of Revenue		26 MoReg 1678		
12 CSR 10-110.955	Director of Revenue		26 MoReg 1679		

DEPARTMENT OF SOCIAL SERVICES

13 CSR 15-4.010	Division of Aging		26 MoReg 807		
13 CSR 15-7.021	Division of Aging		26 MoReg 2034		
	(Changed to 19 CSR 15-7.021)				
13 CSR 15-8.010	Division of Aging				This Issue
	(Changed to 19 CSR 30-90.010)				
13 CSR 15-8.020	Division of Aging				This Issue
	(Changed to 19 CSR 30-90.020)				
13 CSR 15-8.030	Division of Aging				This Issue
	(Changed to 19 CSR 30-90.030)				
13 CSR 15-8.040	Division of Aging				This Issue
	(Changed to 19 CSR 30-90.040)				
13 CSR 15-8.050	Division of Aging				This Issue
	(Changed to 19 CSR 30-90.050)				
13 CSR 15-8.060	Division of Aging				This Issue
	(Changed to 19 CSR 30-90.060)				
13 CSR 15-8.070	Division of Aging				This Issue
	(Changed to 19 CSR 30-90.070)				
13 CSR 15-8.080	Division of Aging				This Issue
	(Changed to 19 CSR 30-90.080)				
13 CSR 15-9.010	Division of Aging	26 MoReg 1501	26 MoReg 1515		This Issue
	(Changed to 19 CSR 30-81.010)				
13 CSR 15-9.015	Division of Aging				This Issue
	(Changed to 19 CSR 30-81.015)				
13 CSR 15-9.020	Division of Aging				This Issue
	(Changed to 19 CSR 30-81.020)				

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 15-9.030	Division of Aging (<i>Changed to 19 CSR 30-81.030</i>)				This Issue
13 CSR 15-10.010	Division of Aging (<i>Changed to 19 CSR 30-82.010</i>)				This Issue
13 CSR 15-10.020	Division of Aging (<i>Changed to 19 CSR 30-82.020</i>)				This Issue
13 CSR 15-10.030	Division of Aging (<i>Changed to 19 CSR 30-82.030</i>)				This Issue
13 CSR 15-10.050	Division of Aging (<i>Changed to 19 CSR 30-82.050</i>)				This Issue
13 CSR 15-10.060	Division of Aging (<i>Changed to 19 CSR 30-82.060</i>)				This Issue
13 CSR 15-10.070	Division of Aging (<i>Changed to 19 CSR 30-82.070</i>)				This Issue
13 CSR 15-11.010	Division of Aging (<i>Changed to 19 CSR 30-83.010</i>)				This Issue
13 CSR 15-13.010	Division of Aging (<i>Changed to 19 CSR 30-84.010</i>)				This Issue
13 CSR 15-13.020	Division of Aging (<i>Changed to 19 CSR 30-84.020</i>)				This Issue
13 CSR 15-13.030	Division of Aging (<i>Changed to 19 CSR 30-84.030</i>)				This Issue
13 CSR 15-13.040	Division of Aging (<i>Changed to 19 CSR 30-84.040</i>)				This Issue
13 CSR 15-14.012	Division of Aging (<i>Changed to 19 CSR 30-85.012</i>)				This Issue
13 CSR 15-14.022	Division of Aging (<i>Changed to 19 CSR 30-85.022</i>)				This Issue
13 CSR 15-14.032	Division of Aging (<i>Changed to 19 CSR 30-85.032</i>)				This Issue
13 CSR 15-14.042	Division of Aging (<i>Changed to 19 CSR 30-85.042</i>)				This Issue
13 CSR 15-14.052	Division of Aging (<i>Changed to 19 CSR 30-85.052</i>)				This Issue
13 CSR 15-15.012	Division of Aging (<i>Changed to 19 CSR 30-86.012</i>)				This Issue
13 CSR 15-15.022	Division of Aging (<i>Changed to 19 CSR 30-86.022</i>)				This Issue
13 CSR 15-15.032	Division of Aging (<i>Changed to 19 CSR 30-86.032</i>)				This Issue
13 CSR 15-15.042	Division of Aging (<i>Changed to 19 CSR 30-86.042</i>)				This Issue
13 CSR 15-15.045	Division of Aging (<i>Changed to 19 CSR 30-86.045</i>)				This Issue
13 CSR 15-15.052	Division of Aging (<i>Changed to 19 CSR 30-86.052</i>)				This Issue
13 CSR 15-17.010	Division of Aging (<i>Changed to 19 CSR 30-87.010</i>)				This Issue
13 CSR 15-17.020	Division of Aging (<i>Changed to 19 CSR 30-87.020</i>)				This Issue
13 CSR 15-17.030	Division of Aging (<i>Changed to 19 CSR 30-87.030</i>)				This Issue
13 CSR 15-18.010	Division of Aging (<i>Changed to 19 CSR 30-88.010</i>)				This Issue
13 CSR 15-18.020	Division of Aging (<i>Changed to 19 CSR 30-88.020</i>)				This Issue
13 CSR 15-20.010	Division of Aging (<i>Changed to 19 CSR 30-89.010</i>)				This Issue
13 CSR 30-2.010	Child Support Enforcement		26 MoReg 1060	26 MoReg 1756	
13 CSR 30-10.010	Child Support Enforcement		26 MoReg 1173	26 MoReg 1756W	
			26 MoReg 1681		
13 CSR 40-19.020	Division of Family Services	26 MoReg 1962	26 MoReg 2013		
13 CSR 70-3.100	Division of Medical Services		This Issue		
13 CSR 70-4.090	Medical Services		26 MoReg 936	26 MoReg 1757	
13 CSR 70-10.015	Medical Services		26 MoReg 1820		
13 CSR 70-10.110	Medical Services	26 MoReg 1889	26 MoReg 1904		
13 CSR 70-10.150	Medical Services	26 MoReg 1502	26 MoReg 1515		
13 CSR 70-15.010	Medical Services		26 MoReg 1907		
13 CSR 70-15.040	Medical Services		26 MoReg 1911		
13 CSR 70-15.110	Medical Services	26 MoReg 1307	26 MoReg 1329	26 MoReg 2048	
			26 MoReg 2014		
13 CSR 70-20.031	Medical Services		26 MoReg 2016		
13 CSR 70-20.034	Medical Services		26 MoReg 2018		This Issue
13 CSR 70-50.010	Medical Services		26 MoReg 1911		
13 CSR 73-2.020	Missouri Board of Nursing Home Administrators		26 MoReg 1180	26 MoReg 1929	
13 CSR 73-2.041	Missouri Board of Nursing Home Administrators		26 MoReg 1184R	26 MoReg 1930	

ELECTED OFFICIALS

15 CSR 30-4.010	Secretary of State	26 MoReg 1825R
		26 MoReg 1825
15 CSR 30-9.010	Secretary of State	26 MoReg 1828
15 CSR 30-9.020	Secretary of State	26 MoReg 1828

Rule Number	Agency	Emergency	Proposed	Order	In Addition
15 CSR 30-9.030	Secretary of State		26 MoReg 1829		
15 CSR 30-10.020	Secretary of State		26 MoReg 1829R		
	.....		26 MoReg 1829		
15 CSR 30-10.040	Secretary of State		26 MoReg 1831R		
	.....		26 MoReg 1831		
15 CSR 30-10.060	Secretary of State		26 MoReg 1832R		
	.....		26 MoReg 1832		
15 CSR 30-55.010	Secretary of State		26 MoReg 1331R		
	.....		26 MoReg 1331		
15 CSR 30-55.020	Secretary of State		26 MoReg 1331R		
	.....		26 MoReg 1332		
15 CSR 30-55.025	Secretary of State		26 MoReg 1332		
15 CSR 30-55.030	Secretary of State		26 MoReg 1333R		
	.....		26 MoReg 1333		
15 CSR 30-55.040	Secretary of State		26 MoReg 1333R		
	.....		26 MoReg 1334		
15 CSR 30-55.050	Secretary of State		26 MoReg 1334R		
	.....		26 MoReg 1334		
15 CSR 30-55.070	Secretary of State		26 MoReg 1335R		
	.....		26 MoReg 1335		
15 CSR 30-55.080	Secretary of State		26 MoReg 1335R		
	.....		26 MoReg 1336		
15 CSR 30-55.090	Secretary of State		26 MoReg 1336R		
	.....		26 MoReg 1336		
15 CSR 30-55.110	Secretary of State		26 MoReg 1337R		
	.....		26 MoReg 1337		
15 CSR 30-55.220	Secretary of State		26 MoReg 1337		
15 CSR 60-10.020	Attorney General		26 MoReg 1684R		
	.....		26 MoReg 1684		
15 CSR 60-10.030	Attorney General		26 MoReg 1685R		
	.....		26 MoReg 1685		
15 CSR 60-13.060	Attorney General	26 MoReg 1964	26 MoReg 2020		

RETIREMENT SYSTEMS

16 CSR 10-3.010	The Public School Retirement System of Missouri	26 MoReg 1060	26 MoReg 1757
16 CSR 10-4.012	The Public School Retirement System of Missouri	26 MoReg 1833	
16 CSR 10-5.030	The Public School Retirement System of Missouri	26 MoReg 1459	This Issue
16 CSR 10-5.055	The Public School Retirement System of Missouri	26 MoReg 1834	
16 CSR 10-5.070	The Public School Retirement System of Missouri	26 MoReg 1834	
16 CSR 10-6.045	The Public School Retirement System of Missouri	26 MoReg 1835	
16 CSR 10-6.090	The Public School Retirement System of Missouri	26 MoReg 1459	This Issue
16 CSR 50-2.030	The County Employees' Retirement Fund	26 MoReg 1184	26 MoReg 1930
16 CSR 50-2.050	The County Employees' Retirement Fund	26 MoReg 1835	
16 CSR 50-2.130	The County Employees' Retirement Fund	26 MoReg 1571	

BOARDS OF POLICE COMMISSIONERS

17 CSR 20-2.015	St. Louis Board of Police Commissioners	26 MoReg 2024	
17 CSR 20-2.025	St. Louis Board of Police Commissioners	26 MoReg 2024	
17 CSR 20-2.035	St. Louis Board of Police Commissioners	26 MoReg 2025	
17 CSR 20-2.045	St. Louis Board of Police Commissioners	26 MoReg 2026	
17 CSR 20-2.055	St. Louis Board of Police Commissioners	26 MoReg 2027	
17 CSR 20-2.065	St. Louis Board of Police Commissioners	26 MoReg 2027	
17 CSR 20-2.075	St. Louis Board of Police Commissioners	26 MoReg 2028	
17 CSR 20-2.085	St. Louis Board of Police Commissioners	26 MoReg 2028	
17 CSR 20-2.095	St. Louis Board of Police Commissioners	26 MoReg 2029	
17 CSR 20-2.105	St. Louis Board of Police Commissioners	26 MoReg 2030	
17 CSR 20-2.115	St. Louis Board of Police Commissioners	26 MoReg 2031	
17 CSR 20-2.125	St. Louis Board of Police Commissioners	26 MoReg 2032	
17 CSR 20-2.135	St. Louis Board of Police Commissioners	26 MoReg 2033	

DEPARTMENT OF HEALTH AND SENIOR SERVICES

19 CSR 10-5.010	Office of the Director	This Issue	
19 CSR 10-33.010	Office of the Director	26 MoReg 689	26 MoReg 1061
19 CSR 10-33.020	Office of the Director	26 MoReg 1081	26 MoReg 1764
19 CSR 10-33.030	Office of the Director	26 MoReg 1087	26 MoReg 1764
19 CSR 15-7.021	Division of Senior Services	26 MoReg 2034	
	<i>(Changed from 13 CSR 15-7.021)</i>		
19 CSR 20-3.050	Division of Environmental Health and Communicable Disease Prevention	26 MoReg 1518R	
	.....	26 MoReg 1518	
19 CSR 25-30.011	Division of Administration	26 MoReg 1126	26 MoReg 1184
19 CSR 25-30.050	Division of Administration	26 MoReg 1126	26 MoReg 1185
19 CSR 25-30.070	Division of Administration	26 MoReg 1127	26 MoReg 1185
19 CSR 25-30.080	Division of Administration	26 MoReg 1127	26 MoReg 1186
19 CSR 30-20.011	Division of Health Standards and Licensure	26 MoReg 1531	
19 CSR 30-20.015	Division of Health Standards and Licensure	26 MoReg 1531	
19 CSR 30-20.021	Division of Health Standards and Licensure	26 MoReg 1533	
19 CSR 30-81.010	Division of Health Standards and Licensure		This Issue
	<i>(Changed from 13 CSR 15-9.010)</i>		
19 CSR 30-81.015	Division of Health Standards and Licensure		This Issue
	<i>(Changed from 13 CSR 15-9.015)</i>		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-81.020	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-9.020)				
19 CSR 30-81.030	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-9.030)				
19 CSR 30-82.010	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-10.010)				
19 CSR 30-82.020	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-10.020)				
19 CSR 30-82.030	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-10.030)				
19 CSR 30-82.050	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-10.050)				
19 CSR 30-82.060	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-10.060)				
19 CSR 30-82.070	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-10.070)				
19 CSR 30-83.010	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-11.010)				
19 CSR 30-84.010	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-13.010)				
19 CSR 30-84.020	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-13.020)				
19 CSR 30-84.030	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-13.030)				
19 CSR 30-84.040	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-13.040)				
19 CSR 30-85.012	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-14.012)				
19 CSR 30-85.022	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-14.022)				
19 CSR 30-85.032	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-14.032)				
19 CSR 30-85.042	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-14.042)				
19 CSR 30-85.052	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-14.052)				
19 CSR 30-86.012	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-15.012)				
19 CSR 30-86.022	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-15.022)				
19 CSR 30-86.032	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-15.032)				
19 CSR 30-86.042	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-15.042)				
19 CSR 30-86.045	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-15.045)				
19 CSR 30-86.052	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-15.052)				
19 CSR 30-87.010	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-17.010)				
19 CSR 30-87.020	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-17.020)				
19 CSR 30-87.030	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-17.030)				
19 CSR 30-88.010	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-18.010)				
19 CSR 30-88.020	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-18.020)				
19 CSR 30-89.010	Division of Health Standards and Licensure.....				This Issue
	(Changed from 13 CSR 15-20.010)				
19 CSR 30-90.010	Division of Aging.....				This Issue
	(Changed from 13 CSR 15-8.010)				
19 CSR 30-90.020	Division of Aging.....				This Issue
	(Changed from 13 CSR 15-8.020)				
19 CSR 30-90.030	Division of Aging.....				This Issue
	(Changed from 13 CSR 15-8.030)				
19 CSR 30-90.040	Division of Aging.....				This Issue
	(Changed from 13 CSR 15-8.040)				
19 CSR 30-90.050	Division of Aging.....				This Issue
	(Changed from 13 CSR 15-8.050)				
19 CSR 30-90.060	Division of Aging.....				This Issue
	(Changed from 13 CSR 15-8.060)				
19 CSR 30-90.070	Division of Aging.....				This Issue
	(Changed from 13 CSR 15-8.070)				
19 CSR 30-90.080	Division of Aging.....				This Issue
	(Changed from 13 CSR 15-8.080)				
19 CSR 40-9.010	Division of Maternal, Child and Family Health.....		26 MoReg 1686		
19 CSR 40-9.020	Division of Maternal, Child and Family Health.....		26 MoReg 1687		
19 CSR 40-9.040	Division of Maternal, Child and Family Health.....		26 MoReg 1697		
19 CSR 60-50.420	Missouri Health Facilities Review.....				26 MoReg 1542
					26 MoReg 1765
					26 MoReg 1847
					This Issue

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice				25 MoReg 597
	.....				26 MoReg 599
	Sovereign Immunity Limits				25 MoReg 724
	.....				26 MoReg 75
20 CSR 100-6.100	Division of Consumer Affairs	26 MoReg 1392	26 MoReg 1913		
20 CSR 200-1.030	Financial Examination		26 MoReg 1459		
20 CSR 200-1.160	Financial Examination		26 MoReg 2045		
20 CSR 200-6.600	Financial Examination		26 MoReg 2045		
20 CSR 200-11.101	Financial Examination		26 MoReg 1460		
20 CSR 200-11.120	Financial Examination		26 MoReg 1467		
20 CSR 200-12.020	Financial Examination		26 MoReg 1471		
20 CSR 200-17.100	Financial Examination		26 MoReg 1471		
20 CSR 200-17.200	Financial Examination		26 MoReg 1472		
20 CSR 200-17.300	Financial Examination		26 MoReg 1472		
20 CSR 500-6.700	Property and Casualty.....		This IssueR		
	.....		This Issue		

Emergency Rules in Effect as of November 1, 2001

Expires

Department of Agriculture

Market Development

2 CSR 10-5.010	Price Reporting Requirements for Livestock Purchases by Packers	February 28, 2002
2 CSR 10-5.010	Rules Governing Livestock Purchases by Packers	February 28, 2002
2 CSR 10-5.015	Public Complaint Handling and Disposition Procedure for Missouri Livestock Marketing Law	April 23, 2002

Department of Economic Development

Missouri State Board of Accountancy

4 CSR 10-2.160	Fees	January 15, 2002
----------------	------	------------------

Department of Public Safety

Division of Fire Safety

11 CSR 40-5.065	Missouri Minimum Safety Codes for Existing Elevator Equipment	November 5, 2001
-----------------	---	------------------

Missouri State Highway Patrol

11 CSR 50-2.020	Minimum Inspection Station Requirements	February 28, 2002
11 CSR 50-2.270	Glazing (Glass)	February 28, 2002

Department of Revenue

Director of Revenue

12 CSR 10-24.030	Hearings	March 28, 2002
------------------	----------	----------------

Department of Social Services

Division of Aging

13 CSR 15-9.010	General Certification Requirements	February 28, 2002
-----------------	------------------------------------	-------------------

Division of Family Services

13 CSR 40-19.020	Low Income Home Energy Assistance Program	March 29, 2002
------------------	---	----------------

Division of Medical Services

13 CSR 70-10.110	Nursing Facility Reimbursement Allowance	March 6, 2002
13 CSR 70-10.150	Enhancement Pools	February 28, 2002
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	December 8, 2001

Elected Officials

Attorney General

15 CSR 60-13.060	Methods by Which a Person or Entity Desiring to make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database	March 29, 2002
------------------	--	----------------

Department of Health and Senior Services

Office of the Director

19 CSR 10-4.030	National Interest Waiver Program	January 17, 2002
19 CSR 10-33.010	Reporting Patient Abstract Data by Hospitals and Ambulatory Surgical Centers	January 10, 2002

Division of Administration

19 CSR 25-30.011	General Provisions for the Determination of Blood, Breath, Saliva or Urine Analysis and Drug Testing	November 17, 2001
19 CSR 25-30.050	Approved Breath Analyzers	November 17, 2001
19 CSR 25-30.070	Approval of Methods for the Determination of Blood Alcohol Content from Samples of Blood, Urine or Saliva	November 17, 2001
19 CSR 25-30.080	Approval of Methods for the Analysis of Blood and Urine for the Presence of Drugs	November 17, 2001

Department of Insurance

Division of Consumer Affairs

20 CSR 100-6.100	Privacy of Financial Information	December 28, 2001
------------------	----------------------------------	-------------------

The rule number and the MoReg publication date follow each entry to this index.

ABOVEGROUND STORAGE TANKS

applicability, definitions; 10 CSR 20-15.010; 10/15/01
release reporting; 10 CSR 20-15.020; 10/15/01
site characterization, corrective action; 10 CSR 20-15.030;
10/15/01

ACCOUNTANCY

fees; 4 CSR 10-2.160; 8/1/01

ACUPUNCTURIST ADVISORY COMMITTEE

application; 4 CSR 15-2.010; 9/4/01
code of ethics; 4 CSR 15-3.020; 9/4/01
fees; 4 CSR 15-1.030; 9/4/01
information, complaints; 4 CSR 150-1.010; 9/4/01
license renewal; 4 CSR 15-2.020; 9/4/01
standards of practice; 4 CSR 15-3.010; 9/4/01
supervision
 acupuncturist trainees; 4 CSR 15-4.020; 9/4/01
 auricular detox technicians; 4 CSR 15-4.010; 9/4/01
titling; 4 CSR 15-1.020; 9/4/01

ADMINISTRATIVE HEARING COMMISSION

answers, pleadings; 1 CSR 15-3.380, 1 CSR 15-5.380, 1 CSR 15-
6.380; 2/15/01, 6/1/01
bench rulings, memorandum decisions; 1 CSR 15-5.530, 1 CSR
15-6.530; 2/15/01, 6/1/01
certifications of records; 1 CSR 15-5.580, 1 CSR 15-6.580;
2/15/01, 6/1/01
closing of case records, hearings; 1 CSR 15-5.410, 1 CSR 15-
6.410; 2/15/01, 6/1/01
complaints; 1 CSR 15-3.350, 1 CSR 15-5.350, 1 CSR 15-6.350;
2/15/01, 6/1/01
 hearings on; 1 CSR 15-3.490, 1 CSR 15-6.490; 2/15/01,
 6/1/01
computation of time; 1 CSR 15-5.230, 1 CSR 15-6.230;
2/15/01, 6/1/01
definitions; 1 CSR 15-3.210, 1 CSR 15-5.210, 1 CSR 15-6.210;
2/15/01, 6/1/01
determination of cases without hearing; 1 CSR 15-2.450,
1 CSR 15-3.450, 1 CSR 15-5.450, 1 CSR 15-6.450;
2/15/01, 6/1/01
discovery; 1 CSR 15-5.420, 1 CSR 15-6.420; 2/15/01, 6/1/01
dismissal; 1 CSR 15-5.430, 1 CSR 15-6.430; 2/15/01, 6/1/01
documents, filing; fax; posting bond; 1 CSR 15-2.290, 1 CSR
15-3.290; 2/15/01, 6/1/01
fax filing; 1 CSR 15-5.290, 1 CSR 15-6.290; 2/15/01, 6/1/01
fees, expenses; 1 CSR 15-2.560, 1 CSR 15-3.560,
1 CSR 15-5.560, 1 CSR 15-6.560; 2/15/01, 6/1/01
hearings on
 complaints; 1 CSR 15-5.490; 2/15/01, 6/1/01
 motions; 1 CSR 15-5.480, 1 CSR 15-6.480; 2/15/01,
 6/1/01
intervention; 1 CSR 15-5.390, 1 CSR 15-6.390; 2/15/01,
6/1/01
practice by a licensed attorney; 1 CSR 15-5.250, 1 CSR 15-
6.250; 2/15/01, 6/1/01
prehearing conferences; 1 CSR 15-5.470, 1 CSR 15-6.470;
2/15/01, 6/1/01
service of filing; 1 CSR 15-5.270, 1 CSR 15-6.270; 2/15/01,
6/1/01
stays or suspensions; 1 CSR 15-3.320, 1 CSR 15-5.320, 1 CSR
15-6.320; 2/15/01, 6/1/01
subject matter; 1 CSR 15-2.200, 1 CSR 15-3.200; 2/15/01,
6/1/01
transcripts; 1 CSR 15-5.510, 1 CSR 15-6.510; 2/15/01, 6/1/01

AGING, DIVISION OF

certification; 13 CSR 15-9.010; 1/2/01, 6/1/01, 8/1/01
funding formula, fiscal management; 13 CSR 15-4.050; 2/15/01,
6/1/01

**AGRICULTURAL AND SMALL BUSINESS
DEVELOPMENT**

tax credits, distribution, repayment; 2 CSR 100-10.010; 9/4/01

AIR QUALITY, POLLUTION

compliance monitoring usage; 10 CSR 10-6.280; 8/15/01
construction permits; 10 CSR 10-6.060; 10/15/01
emissions
 data, fees, process information; 10 CSR 10-6.110; 7/2/01,
 11/1/01
 particulate matter; 10 CSR 10-6.400; 2/1/01, 8/1/01
 solvent metal cleaning; 10 CSR 10-2.210; 3/1/01, 9/4/01;
 10 CSR 10-5.300, 10/15/01
incinerators; 10 CSR 10-6.200; 11/15/00, 6/15/01
 waiver; 10 CSR 10-5.375; 3/15/01
operating permits; 10 CSR 10-6.065; 10/15/01
petroleum, control of; 10 CSR 10-2.260; 1/2/01, 6/15/01
reference methods; 10 CSR 10-6.040; 11/15/00, 6/15/01
start-up, shutdown, malfunction conditions; 10 CSR 10-6.050;
7/16/01

AMUSEMENT RIDES

inspectors; 11 CSR 40-6.060; 4/16/01

APPRAISERS, REAL ESTATE

application; 4 CSR 245-5.020; 5/15/01, 9/4/01
payment; 4 CSR 245-5.010; 5/15/01, 9/4/01

**ARCHITECTS, PROFESSIONAL ENGINEERS,
PROFESSIONAL LAND SURVEYORS**

architects
 seals; 4 CSR 30-3.020; 11/1/01
engineers
 seals; 4 CSR 30-3.030; 11/1/01
land surveyor
 development units; 4 CSR 30-8.020; 7/16/01
 evaluation; 4 CSR 30-4.080; 11/1/01
 examination; 4 CSR 30-5.120; 11/1/01
 licensure; 4 CSR 30-11.020; 7/16/01
 reexamination; 4 CSR 30-5.130; 11/1/01
 renewal period; 4 CSR 30-11.010; 7/16/01
 requirements; 4 CSR 30-8.020; 7/16/01
 seals; 4 CSR 30-3.040; 11/1/01

ASSISTIVE TECHNOLOGY PROGRAM

loan program; 8 CSR 70-1.020; 8/15/01
telecommunications access program; 8 CSR 70-1.010,
9/17/01

ATHLETIC TRAINERS, REGISTRATION OF

definitions; 4 CSR 150-6.010; 9/4/01

ATTORNEY GENERAL, OFFICE OF THE

forms; 15 CSR 60-3.020; 4/2/01, 8/15/01
no-call database
 access; 15 CSR 60-13.060; 4/2/01, 7/16/01, 10/15/01

organizations

annual report; 15 CSR 60-3.090; 4/2/01, 8/15/01
charitable; 15 CSR 60-3.030; 4/2/01, 8/15/01
individual; 15 CSR 60-3.050; 4/2/01, 8/15/01
professional; 15 CSR 60-3.040; 4/2/01, 8/15/01
renewal application; 15 CSR 60-3.110, 15 CSR 60-3.120; 4/2/01, 8/15/01

reporting of motor vehicle stops

forms; 15 CSR 60-10.030; 9/4/01
report to attorney general; 15 CSR 60-10.020; 9/4/01

BLOOD ALCOHOL CONTENT

analysis of blood and urine for the presence of drugs; 19 CSR 25-30.080; 6/1/01, 9/17/01
breath analyzers, approved; 19 CSR 25-30.050; 6/1/01, 9/17/01
determination by blood, breath, saliva, or urine analysis; 19 CSR 25-30.011; 6/1/01, 9/17/01
methods for determination; 19 CSR 25-30.070; 6/1/01, 9/17/01

CAFETERIA PLAN

cafeteria plan; 1 CSR 10-15.010; 1/16/01, 3/15/01, 6/15/01

CEMETERIES, ENDOWED CARE

application; 4 CSR 65-2.010; 11/1/01
fees; 4 CSR 65-1.060; 11/1/01
license renewal; 4 CSR 65-2.050; 11/1/01

CHILD SUPPORT ENFORCEMENT

performance standards, prosecuting attorneys; 13 CSR 30-2.010; 5/15/01, 9/4/01
service fees
annual; 13 CSR 30-10.010; 6/1/01, 9/4/01
monthly; 13 CSR 30-10.020; 6/1/01, 7/16/01, 9/4/01

CLEAN WATER COMMISSION

40% construction grant; 10 CSR 20-4.023; 4/16/01
certification, operators; 10 CSR 20-14.020; 12/15/00, 6/15/01
concentrated animal feeding operation; 10 CSR 20-14.010; 12/15/00, 6/15/01
fees; 10 CSR 20-6.011; 12/15/00, 6/15/01
hardship grants; 10 CSR 20-4.043; 4/16/01
operator training; 10 CSR 20-14.030; 12/15/00, 6/15/01
storm water regulations; 10 CSR 20-6.200; 10/15/01
water quality certification; 10 CSR 20-6.060; 12/15/00, 6/15/01

CONSERVATION COMMISSION

areas; 3 CSR 10-4.115; 6/1/01, 8/15/01
closed; 3 CSR 10-11.115; 11/1/01
owned by other entities; 3 CSR 10-4.116; 3/15/01, 6/1/01, 8/15/01
black bass; 3 CSR 10-6.505; 6/1/01, 8/15/01
boats, motors; 3 CSR 10-11.160; 6/1/01, 8/15/01, 11/1/01; 3 CSR 10-12.110; 6/1/01, 8/15/01
bullfrogs, green frogs; 3 CSR 10-11.165, 3 CSR 10-12.115; 6/1/01, 8/15/01
camping; 3 CSR 10-11.140; 6/1/01, 8/15/01
closed hours; 3 CSR 10-12.109; 7/2/01, 9/17/01
closing; 3 CSR 10-11.115; 6/1/01, 8/15/01
decoys, blinds; 3 CSR 10-11.155; 6/1/01, 8/15/01
deer; 3 CSR 10-7.435; 7/2/01
hunting; 3 CSR 10-11.182; 6/1/01, 8/15/01, 10/1/01
managed hunts; 3 CSR 10-11.183; 6/1/01, 8/15/01
definitions; 3 CSR 10-11.805, 3/15/01, 6/1/01, 8/15/01
3 CSR 10-20.805; 6/1/01, 8/15/01
falconry; 3 CSR 10-9.442; 10/1/01

fishing

hours, methods; 3 CSR 10-11.205; 6/1/01, 8/15/01
length limits; 3 CSR 10-11.215, 3 CSR 10-12.145; 6/1/01, 8/15/01, 10/1/01
limits, daily and possession; 3 CSR 10-11.210, 3 CSR 10-12.140; 6/1/01, 8/15/01, 10/1/01
methods; 3 CSR 10-6.410; 6/1/01, 8/15/01; 3 CSR 10-12.135; 6/1/01, 8/15/01, 10/1/01
provisions, general; 3 CSR 10-12.130; 6/1/01, 8/15/01
seasons; 3 CSR 10-11.200; 6/1/01, 8/15/01, 10/1/01
ginseng; 3 CSR 10-4.113; 6/1/01, 8/15/01
hound running area; 3 CSR 10-9.575; 6/1/01, 8/15/01
hunting, seasons; 3 CSR 10-11.180; 6/1/01, 8/15/01
hunting, trapping; 3 CSR 10-12.125; 6/1/01, 8/15/01
migratory game birds, 3 CSR 10-7.440; 7/2/01, 10/1/01
organization; 3 CSR 10-1.010; 9/17/01
paddlefish; 3 CSR 10-6.525; 6/1/01, 8/15/01
permits; 3 CSR 10-5.205; 6/1/01, 8/15/01
commercial deer processing; 3 CSR 10-10.744; 6/1/01, 8/15/01
field and retriever trial; 3 CSR 10-9.625; 6/1/01, 8/15/01
how obtained; 3 CSR 10-5.215; 6/1/01, 8/15/01
nonresident firearms deer
any-deer hunting; 3 CSR 10-5.551; 10/1/01
hunting; 3 CSR 10-5.550; 10/1/01
managed deer hunt; 3 CSR 10-5.559; 10/1/01
resident lifetime permit
conservation partner; 3 CSR 10-5.310; 6/1/01, 8/15/01
fishing; 3 CSR 10-5.315; 6/1/01, 8/15/01
hunting, small game; 3 CSR 10-5.320; 6/1/01, 8/15/01
revocation; 3 CSR 10-5.216; 6/1/01, 8/15/01
turkey archers; 3 CSR 10-5.560; 10/1/01
nonresident; 3 CSR 10-5.565; 10/1/01
pets, hunting dogs; 3 CSR 10-11.120; 6/1/01, 8/15/01
prohibitions; 3 CSR 10-9.110; 7/2/01, 9/17/01
provisions; 3 CSR 10-6.405; 6/1/01, 8/15/01, 11/1/01
restricted activities; 3 CSR 10-11.110; 6/1/01, 8/15/01
target shooting, ranges; 3 CSR 10-11.150; 6/1/01, 8/15/01
title; 3 CSR 10-11.105, 3 CSR 10-12.101; 6/1/01, 8/15/01
trapping; 3 CSR 10-11.187; 6/1/01, 8/15/01
tree stands; 3 CSR 10-11.145; 6/1/01, 8/15/01
trout parks; 3 CSR 10-12.150; 6/1/01, 8/15/01
turkeys; 3 CSR 10-7.455; 6/1/01
vehicles, bicycles, horses; 3 CSR 10-11.130; 6/1/01, 8/15/01
waterfowl hunting; 3 CSR 10-11.186; 6/1/01, 8/15/01
wildlife refuges; 3 CSR 10-12.105; 6/1/01, 8/15/01
wild plants, plant products, mushrooms; 3 CSR 10-11.135; 6/1/01, 8/15/01

COSMETOLOGY, STATE BOARD OF

hours; 4 CSR 90-8.010; 4/2/01, 7/16/01
reciprocity; 4 CSR 90-7.010; 2/1/01, 6/15/01
sanitation; 4 CSR 90-11.010; 2/1/01, 6/15/01

CREDIT UNIONS

call reports; 4 CSR 100-2.160; 9/17/01
delinquent loan, extension agreements; 4 CSR 100-2.060; 6/1/01, 9/4/01
loans; 4 CSR 100-2.040; 9/17/01

DEAF, MISSOURI COMMISSION FOR THE

appeal rights; 5 CSR 100-200.180; 9/4/01
application; 5 CSR 100-200.050; 9/4/01
certification
maintenance; 5 CSR 100-200.130; 9/4/01
renewal; 5 CSR 100-200.125; 9/4/01
restricted; 5 CSR 100-200.040; 9/4/01
validation; 5 CSR 100-200.120; 9/4/01

conversion procedure; 5 CSR 100-200.100; 9/4/01
enforcement; 5 CSR 100-200.200; 9/4/01
evaluation; 5 CSR 100-200.070; 9/4/01
 performance; 5 CSR 100-200.080; 9/4/01
examination, written; 5 CSR 100-200.060; 9/4/01
fees; 5 CSR 100-200.150; 9/4/01
grandfather clause; 5 CSR 100-200.110; 9/4/01
grievance procedure; 5 CSR 100-200.180; 9/4/01
interpreter certification system; 5 CSR 100-200.030; 9/4/01
mentorship; 5 CSR 100-200.175; 9/4/01
name and address change; 5 CSR 100-200.140; 9/4/01
organization; 5 CSR 100-200.010; 9/4/01
permit
 intern/practicum eligibility; 5 CSR 100-200.085; 9/4/01
 restricted; 5 CSR 100-200.040; 9/4/01
 temporary; 5 CSR 100-200.090; 9/4/01
recertification, voluntary; 5 CSR 100-200.075; 9/4/01
reinstatement; 5 CSR 100-200.210; 9/4/01
skill level standards; 5 CSR 100-200.170; 9/4/01
test, written; 5 CSR 100-200.060; 9/4/01

DENTAL BOARD, MISSOURI

deep sedation/anesthesia; 4 CSR 110-2.180; 7/16/01
fees; 4 CSR 110-2.170; 7/16/01

DRIVERS LICENSE BUREAU RULES

day disqualifications, stacking; 12 CSR 10-24.442; 7/16/01, 11/1/01
deletion of violations; 12 CSR 10-24.050; 11/1/01
hearings; 12 CSR 10-24.030; 9/4/01, 10/15/01
instruction permits; 12 CSR 10-24.402; 11/1/01
prohibit release of information; 12 CSR 10-24.462; 11/1/01
railroad crossing violations; 12 CSR 10-24.465; 7/2/01, 11/1/01
retesting requirements; 12 CSR 10-24.190; 11/1/01
third party tester; 12 CSR 10-24.326; 11/1/01
written examination; 12 CSR 10-24.300; 11/1/01

DRIVING WHILE INTOXICATED RECORDS

collection; 11 CSR 30-2.010; 4/16/01, 7/16/01

ELECTIONS

electronic voting machines
 ballot tabulation; 15 CSR 30-10.040; 9/17/01
 election procedures; 15 CSR 30-10.060; 9/17/01
 certification statement; 15 CSR 30-10.020; 9/17/01
paper ballots; 19 CSR 30-9.030; 9/17/01
postcard voter applications; 15 CSR 30-4.010; 9/17/01
punch card voting systems; 15 CSR 30-9.010; 9/17/01
optical scan voting systems; 15 CSR 30-9.020; 9/17/01

ELEMENTARY AND SECONDARY EDUCATION

academically deficient schools; 5 CSR 50-340.110; 11/1/01
certificate to teach
 administrators; 5 CSR 80-800.220; 5/1/01, 9/17/01
 adult education and literacy; 5 CSR 80-800.280; 5/1/01, 9/17/01
 application; 5 CSR 80-800.200; 5/1/01, 9/17/01
 adult education and literacy; 5 CSR 80-800.280; 5/1/01, 9/17/01
 pupil personnel services; 5 CSR 80-800.230; 5/1/01, 9/17/01
 special assignment; 5 CSR 80-800.260; 5/1/01, 9/17/01
 vocational-technical; 5 CSR 80-800.270; 5/1/01, 9/17/01
assessments, required; 5 CSR 80-800.380; 5/1/01, 9/17/01
classifications; 5 CSR 80-800.360; 5/1/01, 9/17/01
content areas; 5 CSR 80-800.350; 5/1/01, 9/17/01

definitions; 5 CSR 90-7.010; 8/1/01
high school equivalence program; 5 CSR 60-100.020; 5/1/01, 9/17/01
individuals with disabilities education act; 5 CSR 70-742.140; 8/15/01
personal care assistance program
 appeals; 5 CSR 90-7.300; 8/1/01
 eligibility; 5 CSR 90-7.100; 8/1/01
 hearings; 5 CSR 90-7.320; 8/1/01
 informal review; 5 CSR 90-7.310; 8/1/01
 providers; 5 CSR 90-7.200; 8/1/01
school buses
 chassis, body; 5 CSR 30-261.025; 5/1/01, 9/17/01
service providers, standards; 5 CSR 90-4.120; 1/16/01, 6/1/01
student suicide prevention; 5 CSR 60-120.080; 1/16/01, 6/1/01
teacher loans, forgivable; 5 CSR 80-850.025; 8/1/01
vocational rehabilitation
 services; 5 CSR 90-5.400; 1/16/01, 6/1/01
 training; 5 CSR 90-5.440; 1/16/01, 6/1/01
vocational-technical education enhancement grant; 5 CSR 60-120.070; 11/1/01

waiver of regulations; 5 CSR 30-345.020 (changed to 5 CSR 50-345.020); 7/2/01

ELEVATORS

safety codes for equipment; 11 CSR 40-5.065; 6/1/01, 9/17/01

EMBALMERS AND FUNERAL DIRECTORS

fees; 4 CSR 120-2.100; 5/15/01, 9/4/01

ENERGY ASSISTANCE

low energy assistance program; 13 CSR 40-19.020; 10/15/01

FAMILY CARE SAFETY REGISTRY

definitions; 19 CSR 30-80.010; 11/1/00, 5/1/01, 8/15/01
general; 19 CSR 30-80.020; 11/1/00, 5/1/01, 8/15/01
updates and appeals; 19 CSR 30-80.040; 11/1/00, 5/1/01, 8/15/01
worker registration; 19 CSR 30-80.030; 11/1/00, 5/1/01, 8/15/01

FINANCE, DIVISION OF

accounting for other real estate; 4 CSR 140-2.070; 2/1/01, 7/2/01
trust representative offices; 4 CSR 140-6.085; 2/1/01, 7/2/01

GAMING COMMISSION

chip specifications; 11 CSR 45-5.100; 5/15/01, 9/17/01
commission records; 11 CSR 45-3.010; 6/15/01, 11/1/01
compliance; 11 CSR 45-7.150; 4/2/01, 8/15/01
hours, nongambling; 11 CSR 45-7.130; 4/2/01, 8/15/01
liquor control; 11 CSR 45-12.090; 5/15/01, 9/17/01
 access to liquor cabinet systems; 11 CSR 45-12.091; 5/15/01, 9/17/01
occupational license
 application, fees; 11 CSR 45-4.380; 6/15/01, 11/1/01
 participation; 11 CSR 45-5.030; 4/2/01, 8/15/01
 patrons, not eligible for winnings; 11 CSR 45-5.065; 2/1/01, 6/15/01
record keeping
 manufacturer; 11 CSR 45-30.395; 11/1/01
 suppliers; 11 CSR 45-30.525; 11/1/01
rules of play; 11 CSR 45-30.190; 11/1/01
shipping, electronic gaming devices; 11 CSR 45-5.237; 5/15/01, 9/17/01
storage, retrieval; 11 CSR 45-7.080; 4/2/01, 8/15/01

surveillance

casino, commission room; 11 CSR 45-7.050; 4/2/01, 8/15/01
equipment, required; 11 CSR 45-7.030; 4/2/01, 8/15/01
required; 11 CSR 45-7.040; 4/2/01, 8/15/01

GEOLOGIST REGISTRATION, MISSOURI BOARD OF
fees; 4 CSR 145-1.040; 5/15/01, 9/4/01

HAZARDOUS WASTE MANAGEMENT COMMISSION
decision making procedures; 10 CSR 25-8.124; 3/1/01, 9/4/01
definitions, incorporations, confidential business information;
10 CSR 25-3.260; 3/1/01, 9/4/01

disposal sites, abandoned, uncontrolled; 10 CSR 25-10.010;
3/1/01, 9/4/01

facilities, standards

generators; 10 CSR 25-5.262; 3/1/01, 9/4/01
interim status; 10 CSR 25-7.265; 3/1/01, 9/4/01
management; 10 CSR 25-7.266; 3/1/01, 9/4/01
treatment, storage, disposal; 10 CSR 25-7.264; 3/1/01, 9/4/01

fees, taxes; 10 CSR 25-12.010; 3/1/01, 9/4/01

land disposal restrictions; 10 CSR 25-7.268; 3/1/01, 9/4/01

methods for identifying hazardous waste; 10 CSR 25-4.261;
3/1/01, 9/4/01

organization; 10 CSR 25-1.010; 3/1/01, 9/4/01

permit programs; 10 CSR 25-7.270; 3/1/01, 9/4/01

polychlorinated biphenyls; 10 CSR 25-13.010; 3/1/01, 9/4/01

resource recovery processes; 10 CSR 25-9.020; 3/1/01, 9/4/01

universal waste management; 10 CSR 25-16.273; 3/1/01, 9/4/01

used oil, recycled; 10 CSR 25-11.279; 3/1/01, 9/4/01

voluntary cleanup program; 10 CSR 25-15.010; 3/1/01, 9/4/01

HEALTH MAINTENANCE ORGANIZATIONS

monitoring of; 19 CSR 10-5.010; 11/1/01

HEARING INSTRUMENT SPECIALISTS

continuing education; 4 CSR 165-2.050; 9/4/01

fees; 4 CSR 165-1.020; 9/4/01

license renewal; 4 CSR 165-2.060; 9/4/01

HIGHER EDUCATION

proprietary schools; 6 CSR 10-5.010; 12/1/00, 3/15/01, 6/15/01

HOSPICES

direct care; 19 CSR 30-35.020; 2/15/01, 7/2/01

program operations; 19 CSR 30-35.010; 2/15/01, 7/2/01

reporting patient abstract data; 19 CSR 30-33.010; 4/2/01

state certification management; 19 CSR 30-35.030; 2/15/01, 7/2/01

HOSPITALS AND AMBULATORY SURGICAL CENTERS

administration; 19 CSR 30-20.015; 8/1/01

definitions; 19 CSR 30-20.011; 8/1/01

financial data; 19 CSR 10-33.030; 5/15/01, 9/4/01

organization and management; 19 CSR 30-20.021; 8/1/01

patient abstract data; 19 CSR 10-33.010; 4/2/01, 9/4/01

reporting charges; 19 CSR 10-33.020; 5/15/01, 9/4/01

IMMUNIZATIONS

day care rules; 19 CSR 20-28.040; 2/15/01, 6/15/01

INSURANCE, DEPARTMENT OF

accounting standards and principles; 20 CSR 200-1.020;
1/16/01, 6/1/01

actuary; 20 CSR 200-1.110; 1/16/01, 6/1/01

extended Missouri mutual companies; 20 CSR 200-12.020;
7/16/01

financial regulation; 20 CSR 500-10.200; 1/16/01, 6/1/01
financial standards

health maintenance organizations; 20 CSR 200-1.040;

1/16/01, 6/1/01

prepaid dental plans; 20 CSR 200-1.050; 1/16/01, 6/1/01

financial statement, diskette filing; 20 CSR 200-1.030; 7/16/01

foreign insurers, certificate; 20 CSR 200-17.200; 240-122.080;
7/16/01

holding company system, forms; 20 CSR 200-11.101; 7/16/01

licensing requirements; 20 CSR 200-6.600; 10/15/01

life insurance policies; 20 CSR 200-1.160; 10/15/01

material transactions, affiliates; 20 CSR 200-11.120; 7/16/01

medical malpractice award; 20 CSR; 3/1/00, 3/1/01

privacy of financial information; 20 CSR 100-6.100; 7/16/01,
10/1/01

procedure for forming a domestic company; 20 CSR 200-17.100;
7/16/01

redomestication; 20 CSR 200-17.300; 7/16/01

referenced or adopted materials; 20 CSR 10-1.020; 1/16/01,
6/1/01

sovereign immunity limits; 20 CSR; 3/15/00, 1/2/01

valuation, minimum standards; 20 CSR 200-1.140; 1/16/01,
6/1/01

universal life; 20 CSR 400-1.100; 4/2/01, 8/15/01

workers compensation; 20 CSR 500-6.700; 11/1/01

LAND RECLAMATION

industrial mineral open pit, in-stream sand and gravel operations

performance requirements; 10 CSR 40-10.050; 9/17/01

permit application; 10 CSR 40-10.020; 9/17/01

LIVESTOCK

price reporting, purchases by packers; 2 CSR 10-5.010; 7/2/01

**MARITAL AND FAMILY THERAPISTS, STATE
COMMITTEE OF**

educational requirements; 4 CSR 233-2.010; 7/2/01, 10/15/01

examination; 4 CSR 233-2.040; 7/2/01, 10/15/01

experience, supervised; 4 CSR 233-2.020; 7/2/01, 10/15/01

fees; 4 CSR 233-1.040; 7/2/01, 10/15/01

supervisors; 4 CSR 233-2.021; 7/2/01, 10/15/01

MEDICAL SERVICES, DIVISION OF

uninsured parents' health insurance; 13 CSR 70-4.090; 5/1/01,
9/4/01

MEDICAID

cost reports; 13 CSR 70-15.010; 5/1/01, 8/15/01

drugs

31 day supply maximum; 13 CSR 70-20.045; 12/15/00,
5/15/01

enhancement pools; 13 CSR 70-15.150; 5/1/01, 8/15/01

excludable drugs; 13 CSR 70-20.031; 10/15/01

federal reimbursement allowance; 13 CSR 70-15.110; 7/2/01,
10/15/01

filing of claims; 13 CSR 70-3.100; 11/1/01

hospices services; 13 CSR 70-50.010; 10/1/01

nonexcludable drugs; 13 CSR 70-20.034; 10/15/01

nursing facilities; 13 CSR 70-10.110; 10/1/01

trend indices; 13 CSR 70-15.010; 10/1/01

settlements; 13 CSR 70-15.040; 10/1/01

MENTAL HEALTH, DEPARTMENT OF

administration; 9 CSR 30-4.032; 4/2/01, 9/4/01

alcohol and drug abuse programs

accessibility; 9 CSR 30-3.950; 4/2/01, 9/4/01

administration; 9 CSR 30-3.730 (changed to 9 CSR 30-
3.202); 4/2/01

- adolescent
 - program; 9 CSR 30-3.510; 4/2/01, 9/4/01
 - residential support; 9 CSR 30-3.853; 4/2/01, 9/4/01
 - behavior management; 9 CSR 30-3.870; 4/2/01, 9/4/01
 - central intake program; 9 CSR 30-3.621; 4/2/01, 9/4/01
 - certification; 9 CSR 30-3.032; 4/2/01, 9/4/01
 - client rights; 9 CSR 30-3.040, 9 CSR 30-3.900; 4/2/01, 9/4/01
 - clients' records; 9 CSR 30-3.210, 9 CSR 30-3.770, 9 CSR 30-3.880; 4/2/01, 9/4/01
 - comprehensive substance treatment and rehabilitation; 9 CSR 30-3.150; 4/2/01, 9/4/01
 - curriculum, training; 9 CSR 30-3.780; 4/2/01, 9/4/01
 - definitions; 9 CSR 30-3.010, 9 CSR 30-3.710, 9 CSR 30-3.810; 4/2/01, 9/4/01
 - detoxification; 9 CSR 30-3.120; 4/2/01, 9/4/01
 - medical; 9 CSR 30-3.420; 4/2/01, 9/4/01
 - modified medical; 9 CSR 30-3.410; 4/2/01, 9/4/01
 - social setting; 9 CSR 30-3.400; 4/2/01, 9/4/01
 - dietary services; 9 CSR 30-3.250, 9 CSR 30-3.960; 4/2/01, 9/4/01
 - educational assessment, community treatment; 9 CSR 30-3.800 (changed to 9 CSR 30-3.230); 4/2/01
 - environment; 9 CSR 30-3.060, 9 CSR 30-3.740; 4/2/01, 9/4/01
 - safety, sanitation; 9 CSR 30-3.940; 4/2/01, 9/4/01
 - fee, supplemental; 9 CSR 30-3.790 (changed to 9 CSR 30-3.208); 4/2/01
 - fiscal management; 9 CSR 30-3.070, 9 CSR 30-3.930; 4/2/01, 9/4/01
 - governing authority; 9 CSR 30-3.030, 9 CSR 30-3.920; 4/2/01, 9/4/01
 - information and referral; 9 CSR 30-3.620; 4/2/01, 9/4/01
 - institutional corrections treatment programs; 9 CSR 30-3.160; 4/2/01, 9/4/01
 - medication; 9 CSR 30-3.240; 4/2/01, 9/4/01
 - management; 9 CSR 30-3.970; 4/2/01, 9/4/01
 - methadone treatment; 9 CSR 30-3.132; 4/2/01, 9/4/01
 - outpatient program; 9 CSR 30-3.600; 4/2/01, 9/4/01
 - outpatient treatment; 9 CSR 30-3.130; 4/2/01, 9/4/01
 - personnel; 9 CSR 30-3.750 (changed to 9 CSR 30-3.204); 4/2/01; 9 CSR 30-3.080, 9 CSR 30-3.890; 4/2/01, 9/4/01
 - planning and evaluation; 9 CSR 30-3.050; 4/2/01, 9/4/01
 - prevention programs; 9 CSR 30-3.300; 4/2/01, 9/4/01
 - procedures to obtain certification; 9 CSR 30-3.020, 9 CSR 30-3.720, 9 CSR 30-3.820; 4/2/01, 9/4/01
 - program structure; 9 CSR 30-3.760 (changed to 9 CSR 30-3.206); 4/2/01
 - quality assurance; 9 CSR 30-3.860; 4/2/01, 9/4/01
 - referral procedures; 9 CSR 30-3.220; 4/2/01, 9/4/01
 - research; 9 CSR 30-3.200, 9 CSR 30-3.910; 4/2/01, 9/4/01
 - residential programs; 9 CSR 30-3.500; 4/2/01, 9/4/01
 - residential treatment; 9 CSR 30-3.140; 4/2/01, 9/4/01
 - service definitions; 9 CSR 30-3.110; 4/2/01, 9/4/01
 - service delivery process and documentation; 9 CSR 30-3.100; 4/2/01, 9/4/01
 - service provision; 9 CSR 30-3.850; 4/2/01, 9/4/01
 - specialized programs
 - adolescents; 9 CSR 30-3.192, 9 CSR 30-3.852; 4/2/01, 9/4/01
 - women and children; 9 CSR 30-3.190, 9 CSR 30-3.851; 4/2/01, 9/4/01
 - transition to enhanced standards of care; 9 CSR 30-3.022; 4/2/01, 9/4/01
 - treatment, rehabilitation process; 9 CSR 30-3.840; 4/2/01, 9/4/01
 - behavior management; 9 CSR 30-4.044; 4/2/01, 9/4/01
 - certification, centers; 9 CSR 30-4.031; 4/2/01, 9/4/01
 - client environment; 9 CSR 30-4.037; 4/2/01, 9/4/01
 - client records; 9 CSR 30-4.035, 9 CSR 30-4.160; 4/2/01, 9/4/01
 - client rights; 9 CSR 30-4.038, 9 CSR 30-4.110; 4/2/01, 9/4/01
 - compulsive gambling treatment; 9 CSR 30-3.134; 4/2/01, 9/4/01
 - comprehensive substance treatment rehabilitation program
 - description; 9 CSR 30-3.830; 4/2/01, 9/4/01
 - definitions; 9 CSR 30-4.010; 4/2/01, 9/4/01
 - certification standards; 9 CSR 30-4.030; 4/2/01, 9/4/01
 - educational assessment, community treatment program; 9 CSR 30-3.230; 4/2/01, 9/4/01
 - environment; 9 CSR 30-4.120; 4/2/01, 9/4/01
 - exceptions committee; 9 CSR 10-5.210; 4/2/01, 8/1/01
 - fiscal management; 9 CSR 30-4.033, 9 CSR 30-4.130; 4/2/01, 9/4/01
 - governing authority; 9 CSR 30-4.100; 4/2/01, 9/4/01
 - medication; 9 CSR 30-4.180; 4/2/01, 9/4/01
 - medication aides; 9 CSR 45-3.070; 2/1/01, 7/2/01
 - medication procedures; 9 CSR 30-4.041; 4/2/01, 9/4/01
 - personnel; 9 CSR 30-4.140; 4/2/01, 9/4/01
 - staff development; 9 CSR 30-4.034; 4/2/01, 9/4/01
 - procedures to obtain certification; 9 CSR 30-4.020; 4/2/01, 9/4/01
 - psychiatric and substance abuse programs
 - behavior management; 9 CSR 10-7.060; 4/2/01, 9/4/01
 - definitions; 9 CSR 10-7.140; 4/2/01, 9/4/01
 - dietary service; 9 CSR 10-7.080; 4/2/01, 9/4/01
 - fiscal management; 9 CSR 10-7.100; 4/2/01, 9/4/01
 - governing authority; 9 CSR 10-7.090; 4/2/01, 9/4/01
 - medication; 9 CSR 10-7.070; 4/2/01, 9/4/01
 - personnel; 9 CSR 10-7.110; 4/2/01, 9/4/01
 - physical plant and safety; 9 CSR 10-7.120; 4/2/01, 9/4/01
 - procedures to obtain certification; 9 CSR 10-7.130; 4/2/01, 9/4/01
 - quality improvement; 9 CSR 10-7.040; 4/2/01, 9/4/01
 - research; 9 CSR 10-7.050; 4/2/01, 9/4/01
 - rights, responsibilities, grievances; 9 CSR 10-7.020; 4/2/01, 9/4/01
 - service delivery process, documentation; 9 CSR 10-7.030; 4/2/01, 9/4/01
 - treatment principles; 9 CSR 10-7.010; 4/2/01, 9/4/01
 - purchasing client services; 9 CSR 25-2.105; 12/1/00, 4/2/01
 - quality assurance; 9 CSR 30-4.040; 4/2/01, 9/4/01
 - referral procedures; 9 CSR 30-4.170; 4/2/01, 9/4/01
 - research; 9 CSR 30-4.036, 9 CSR 30-4.150; 4/2/01, 9/4/01
 - residential programs; 9 CSR 30-3.500; 4/2/01, 9/4/01
 - service provision; 9 CSR 30-4.039; 4/2/01, 9/4/01
 - substance abuse traffic offender programs (SATOP); 9 CSR 30-3.700, 9 CSR 30-3.201; 4/2/01, 9/4/01
 - administration and service; 9 CSR 30-3.202; 4/2/01, 9/4/01
 - personnel; 9 CSR 30-3.204; 4/2/01, 9/4/01
 - program structure; 9 CSR 30-3.206; 4/2/01, 9/4/01
 - supplemental fee; 9 CSR 30-3.208; 4/2/01, 9/4/01
 - treatment; 9 CSR 30-4.043, 9 CSR 30-4.190; 4/2/01, 9/4/01
 - treatment provided, psychiatric; 9 CSR 30-4.043; 4/2/01, 9/4/01
- MILK BOARD, STATE**
inspection fees; 2 CSR 80-5.010; 5/1/01, 8/15/01
- MOTOR VEHICLE**
glazing, glass; 11 CSR 50-2.270; 9/17/01
hearings; 12 CSR 10-25.030; 2/1/01, 6/1/01
Internet renewal of license plates; 12 CSR 10-23.452; 7/16/01, 11/1/01
inspection station requirements; 11 CSR 50-2.020; 9/17/01
MVI-2 form; 11 CSR 50-2.120; 9/17/01
nonresident disabled person windshield placard; 12 CSR 10-23.275; 11/1/01
window tinting; 11 CSR 30-7.010; 9/17/01

NEWBORN HEARING SCREENING PROGRAM

definitions; 19 CSR 40-9.010; 9/4/01
information reported to department; 19 CSR 40-9.040; 9/4/01
methodologies; 19 CSR 40-9.020; 9/4/01

NURSING HOME ADMINISTRATORS

cumulative point-value system; 13 CSR 73-2.041; 6/1/01,
10/1/01

licensure; 13 CSR 73-2.020; 6/1/01, 10/1/01

NURSING HOME PROGRAM

enhancement pools; 13 CSR 70-10.150; 8/1/01
nonstate-operated facilities; 13 CSR 70-10.030; 7/2/01
reimbursement; 13 CSR 70-10.015; 9/17/01

NURSING, STATE BOARD OF

fees; 4 CSR 200-4.010; 1/16/01, 5/1/01

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

supervision

assistants, permit holders; 4 CSR 205-4.010, 4 CSR 205-
4.020; 4/16/01, 8/1/01

PERFUSIONISTS, LICENSING OF CLINICAL

fees; 4 CSR 150-8.060; 5/15/01, 9/4/01

PHARMACY, STATE BOARD OF

drug distributor licensing; 4 CSR 220-5.020; 5/15/01, 10/1/01
fees; 4 CSR 220-4.010; 4/2/01, 8/1/01

licensure by examination

nonapproved foreign schools; 4 CSR 220-2.032; 4/2/01,
8/1/01

prescriptions

electronic transmission; 4 CSR 220-2.085; 5/15/01, 10/1/01
return of drugs; 13 CSR 70-20.050; 1/16/01, 6/15/01
standards of operation; 4 CSR 220-2.010; 9/4/01

PHYSICIANS AND SURGEONS

chelation therapy form; 4 CSR 150-2.165; 5/15/01, 9/4/01
continuing medical education; 4 CSR 150-2.125; 5/15/01, 9/4/01
fees; 4 CSR 150-2.080; 5/15/01, 9/4/01
national interest waiver; 19 CSR 10-4.030; 4/16/01, 8/15/01
penalty, annual registration; 4 CSR 150-2.050; 5/15/01, 9/4/01

PLANT INDUSTRIES

participation, fee payment, penalties; 2 CSR 70-13.030; 10/2/00,
5/1/01, 9/17/01

POLICE COMMISSIONERS, ST. LOUIS BOARD OF

administration, command; 17 CSR 20-2.015; 10/15/01
authority; 17 CSR 20-2.065; 10/15/01
complaint/disciplinary procedures; 17 CSR 20-2.125; 10/15/01
definitions; 17 CSR 20-2.025; 10/15/01
drug testing; 17 CSR 20-2.135; 10/15/01
duties; 17 CSR 20-2.075; 10/15/01
equipment; 17 CSR 20-2.095; 10/15/01
field inspection; 17 CSR 20-2.115; 10/15/01
licensing; 17 CSR 20-2.035; 10/15/01
personnel records, fees; 17 CSR 20-2.045; 10/15/01
training; 17 CSR 20-2.055; 10/15/01
uniforms; 17 CSR 20-2.085; 10/15/01
weapons; 17 CSR 20-2.105; 10/15/01

PROFESSIONAL REGISTRATION, DIVISION OF

renewal dates; 4 CSR 231-2.010; 4/2/01, 7/16/01

PSYCHOLOGISTS, STATE COMMITTEE OF

fees; 4 CSR 235-1.020; 4/2/01, 7/16/01
licensure by examination; 4 CSR 235-2.060; 4/2/01, 7/16/01

PUBLIC DRINKING WATER PROGRAM

classification of water systems; 10 CSR 60-14.010; 12/15/00,
2/15/01, 6/1/01

grants; 10 CSR 60-13.010; 3/1/01, 6/15/01, 8/15/01
lead and copper

corrosion control

requirements; 10 CSR 60-15.030; 9/17/01

treatment; 10 CSR 60-15.020; 9/17/01

monitoring; 10 CSR 60-7.020; 9/17/01

source water; 10 CSR 60-15.090; 9/17/01

supplemental; 10 CSR 60-15.060; 9/17/01

tap water; 10 CSR 60-15.070; 9/17/01

water quality parameters; 10 CSR 60-15.080; 9/17/01

prohibition; 10 CSR 40-10.040; 9/17/01

public education; 10 CSR 60-15.060; 9/17/01

service line replacement; 10 CSR 60-15.050; 9/17/01

operators

certification of; 10 CSR 60-14.020; 12/15/00, 2/15/01,
6/1/01

training; 10 CSR 60-14.030; 12/15/00, 6/1/01

revolving fund loan program; 10 CSR 60-13.020; 3/1/01,
8/15/01

state loan program; 10 CSR 60-13.025; 3/1/01, 8/15/01

PUBLIC SERVICE COMMISSION

electric service territorial agreements

fees; 4 CSR 240-21.010; 7/2/01

evidence; 4 CSR 240-2.130; 10/15/01

modular units

approval, manufacturing program; 4 CSR; 240-123.040;
7/16/01

code; 4 CSR; 240-123.080; 7/16/01

dealer setup responsibilities; 4 CSR 240-123.065; 7/16/01

definitions; 4 CSR 240-123.010; 7/16/01

monthly reports; 4 CSR 240-123.070; 7/16/01

seals; 4 CSR; 240-123.030; 7/16/01

new manufactured homes

code; 4 CSR 240-120.100; 6/1/01, 11/1/01

dealer setup responsibilities; 4 CSR 240-120.065; 7/16/01

definitions; 4 CSR 240-120.011; 7/16/01

monthly reports; 4 CSR 240-120.130; 7/2/01

pleadings, filing, service; 4 CSR 240-2.080; 10/15/01

pre-owned manufactured homes

administration, enforcement; 4 CSR 240-121.020; 6/1/01,
11/1/01

complaints, review of director action; 4 CSR 240-121.060;
6/1/01

dealer setup responsibilities; 4 CSR 240-121.055; 7/16/01

definitions; 4 CSR 240-121.010; 6/1/01

inspection

dealer books, records, inventory, premises; 4 CSR 240-
121.040; 6/1/01, 11/1/01

homes, rented, leased, sold by persons other than
dealers; 4 CSR 240-121.050; 6/1/01

setup, proper and initial; 4 CSR 240-121.090; 6/1/01,
11/1/01

recreational vehicles

administration, enforcement; 4 CSR 240-122.020; 7/16/01

approval, manufacturing program; 4 CSR; 240-122.040;
7/16/01

code; 4 CSR; 240-122.080; 7/16/01

complaints; 4 CSR 240-122.090; 7/16/01

definitions; 4 CSR 240-122.010; 7/16/01

inspection

dealers, books; 4 CSR 240-122.060; 7/16/01

manufacturer, books; 4 CSR 240-122.050; 7/16/01

vehicles; 4 CSR 240-122.070; 7/16/01

seals; 4 CSR; 240-122.030; 7/16/01

telecommunications companies

- customer disclosure requirements; 4 CSR 240-32.160; 2/1/01, 7/2/01
- definitions; 4 CSR 240-32.140; 2/1/01, 7/2/01
- prepaid interexchange calling services; 4 CSR 240-32.130; 2/1/01
- qualifications, responsibilities; 4 CSR 240-32.150; 2/1/01, 7/2/01
- standards; 4 CSR 240-32.170; 2/1/01, 7/2/01

telephone corporations, reporting

- definitions; 4 CSR 240-35.010; 9/4/01
- provisions; 4 CSR 240-35.020; 9/4/01
- reporting of bypass, customer specific arrangements; 4 CSR 240-35.030; 9/4/01

tie-down systems, manufactured homes

- anchoring standards; 4 CSR 240-124.045; 7/16/01
- approval; 4 CSR 240-124.040; 7/16/01
- definitions; 4 CSR 240-124.010; 7/16/01

utilities

- income; 4 CSR 240-10.020; 9/4/01

water service territorial agreements

- fees; 4 CSR 240-51.010; 7/2/01

REAL ESTATE COMMISSION

- application, license fees; 4 CSR 250-5.020; 11/1/01

RESPIRATORY CARE, MISSOURI BOARD FOR

application for temporary

- educational permit; 4 CSR 255-2.030; 3/1/01, 7/2/01
- permit; 4 CSR 255-2.020; 3/1/01, 7/2/01
- continuing education; 4 CSR 255-4.010; 3/1/01, 7/2/01
- fees; 4 CSR 255-1.040; 4/16/01, 8/15/01
- inactive status; 4 CSR 255-2.050; 3/1/01, 7/2/01
- reinstatement; 4 CSR 255-2.060; 3/1/01, 7/2/01

RETIREMENT SYSTEMS

county employees' retirement fund

- direct rollover option; 16 CSR 50-2.130; 8/15/01
- eligibility for benefits; 16 CSR 50-2.030; 6/1/01, 10/1/01
- eligibility, participation; 16 CSR 50-2.030; 6/1/01, 10/1/01
- service and compensation; 16 CSR 50-2.050; 9/17/01

nonteacher school employee

- beneficiary; 16 CSR 10-6.090; 7/16/01, 11/1/01
- reinstatement, credit purchases; 16 CSR 10-6.045; 9/17/01

public school retirement system

- beneficiary; 16 CSR 10-5.030; 1/16/01, 5/1/01, 7/16/01, 11/1/01
- cost-of-living adjustments; 16 CSR 10-5.055; 9/17/01
- excess benefit arrangement; 16 CSR 10-5.070; 9/17/01
- payment of funds; 16 CSR 10-3.010; 5/15/01, 9/4/01
- reinstatement and credit purchases; 16 CSR 10-4.012; 9/17/01

SANITATION AND SAFETY STANDARDS

- lodging establishments; 19 CSR 20-3.050; 8/1/01

SECURITIES HEARINGS

- answers and supplementary pleadings; 15 CSR 30-55.030; 7/2/01
- briefs; 15 CSR 30-55.110; 7/2/01
- discovery; 15 CSR 30-55.080; 7/2/01
- instituting hearing before commissioner; 15 CSR 30-55.020; 7/2/01
- motions, suggestions, legal briefs; 15 CSR 30-55.110; 7/2/01
- notice of hearing; 15 CSR 30-55.040; 7/2/01
- officers; 15 CSR 30-55.220; 7/2/01
- prehearing
 - conferences; 15 CSR 30-55.050; 7/2/01

- procedures; 15 CSR 30-55.025; 7/2/01
- procedure and evidence; 15 CSR 30-55.090; 7/2/01
- record of hearing; 15 CSR 30-55.070; 7/2/01
- who may request; 15 CSR 30-55.010; 7/2/01

SENIOR SERVICES, DIVISION OF

- in-home service standards; 19 CSR 15-7.021; 10/15/01

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

- fees; 4 CSR 150-4.060; 2/1/01, 6/15/01

TAX, CITY SALES, TRANSPORTATION

- date of delivery; 12 CSR 10-5.005, 12 CSR 10-5.505; 5/1/01, 8/15/01
- layaways; 12 CSR 10-5.515; 5/1/01, 8/15/01
- location of machine; 12 CSR 10-5.025; 5/1/01, 8/15/01

TAX, SALES/USE

- accrual basis reporting; 12 CSR 10-3.882; 5/15/01, 9/4/01
- agricultural products; 12 CSR 120-3.280; 5/15/01, 9/4/01
- annual filing; 12 CSR 10-3.462; 5/1/01, 8/15/01
- barber, beauty shops; 12 CSR 10-3.100; 5/1/01, 8/15/01
- bookbinders, papercutters; 12 CSR 10-3.086; 5/1/01, 8/15/01
- bottle caps and crowns; 12 CSR 10-3.206; 5/1/01, 8/15/01
- calendar quarter defined; 12 CSR 10-3.456; 5/1/01, 8/15/01
- cash and trade discounts; 12 CSR 10-3.022; 5/1/01, 8/15/01
- common carriers; 12 CSR 10-110.300; 3/1/01, 7/2/01
- consideration other than money; 12 CSR 10-3.136; 5/1/01, 8/15/01
 - except trade-ins; 12 CSR 10-3.122; 5/1/01, 8/15/01
 - less than fair market value; 12 CSR 10-3.138; 5/1/01, 8/15/01
- crates, cartons; 12 CSR 10-3.208; 5/1/01, 8/15/01
- decorators, interior, exterior; 12 CSR 10-3.094; 5/1/01, 8/15/01
- defective merchandise; 12 CSR 10-3.494; 5/1/01, 8/15/01
- delivery, freight, transportation charges; 12 CSR 10-3.066; 5/1/01, 8/15/01
- electrical energy; 12 CSR 10-110.600; 9/4/01
- exempt organizations; 12 CSR 10-110.955; 9/4/01
- finance charges; 12 CSR 10-3.020; 5/1/01, 8/15/01
- funeral receipts; 12 CSR 10-3.160; 5/1/01, 8/15/01
- installment sales, reposessions; 12 CSR 10-3.164; 5/1/01, 8/15/01
- janitorial services; 12 CSR 10-3.096; 5/1/01, 8/15/01
- mailing of returns; 12 CSR 10-3.452; 5/1/01, 8/15/01
- manufactured homes; 12 CSR 10-103.370; 3/1/01, 6/15/01
- memorial stones; 12 CSR 10-3.060; 5/1/01, 8/15/01
- no return, no excuse; 12 CSR 10-3.454; 5/1/01, 8/15/01
- painters; 12 CSR 10-3.092; 5/1/01, 8/15/01
- pallets; 12 CSR 10-3.202; 5/1/01, 8/15/01
- program fees; 12 CSR 10-3.890; 5/1/01, 8/15/01
- rebates; 12 CSR 10-3.023; 5/1/01, 8/15/01
- returned goods; 12 CSR 10-3.024; 5/1/01, 8/15/01
- return required; 12 CSR 10-3.460; 5/1/01, 8/15/01
- salvage companies; 12 CSR 10-3.128; 5/1/01, 8/15/01
- stolen or destroyed property; 12 CSR 10-3.174; 5/1/01, 8/15/01
- tax includes; 12 CSR 10-3.464; 5/1/01, 8/15/01
- trade-ins; 12 CSR 10-3.244; 5/1/01, 8/15/01
- used car dealers; 12 CSR 10-3.076; 5/1/01, 8/15/01
- warehousemen; 12 CSR 10-3.054; 11/15/00, 3/1/01
- watch, jewelry repairers; 12 CSR 10-3.090; 11/15/00, 3/1/01
- wrapping materials; 12 CSR 10-3.200; 5/1/01, 8/15/01

TAX, STATE USE

- common carriers; 12 CSR 10-110.300; 3/1/01
- defective merchandise; 12 CSR 10-4.270; 5/1/01, 8/15/01

TELEPHONE EQUIPMENT PROGRAM

adaptive telephone equipment; 8 CSR 5-1.010; 7/2/01, 10/15/01

TOBACCO

retailer employee training; 11 CSR 70-3.010; 11/1/01
sting operations; 11 CSR 70-3.020; 11/1/01

UNEMPLOYMENT INSURANCE

joint accounts; 8 CSR 10-4.080; 2/1/01, 6/1/01

VETERINARY, MISSOURI MEDICAL BOARD

continuing education; 4 CSR 270-4.050; 5/15/01, 9/4/01
 minimum standards; 4 CSR 270-4.042; 5/15/01, 9/4/01
educational requirements; 4 CSR 270-2.011; 5/15/01, 9/4/01
examinations; 4 CSR 270-3.020; 5/15/01, 9/4/01
fees; 4 CSR 270-1.021; 5/15/01, 9/4/01
internship; 4 CSR 270-2.021; 5/15/01, 9/4/01
licensure
 renewal; 4 CSR 270-1.050; 5/15/01, 9/4/01
 restricted faculty; 4 CSR 270-2.052; 5/15/01, 9/4/01
 temporary; 4 CSR 270-2.070, 4 CSR 270-2.071; 5/15/01
 9/4/01
organization; 4 CSR 270-1.011; 5/15/01, 9/4/01
permits; 4 CSR 270-5.011; 5/15/01, 9/4/01
reciprocity; 4 CSR 270-3.030; 5/15/01, 9/4/01
registration, temporary; 4 CSR 270-3.040; 5/15/01, 9/4/01
renewal procedures; 4 CSR 270-1.050; 5/15/01, 9/4/01
revocation of temporary license; 4 CSR 270-7.020; 5/15/01,
 9/4/01
supervision; 4 CSR 270-4.060; 5/15/01, 9/4/01

WEIGHTS AND MEASURES

moisture-measuring devices, plant products; 2 CSR 90-50.010;
 6/1/01, 9/17/01
NBS Handbook 44; 2 CSR 90-40.010; 6/1/01, 9/17/01

WELL CONSTRUCTION CODE

sensitive areas; 10 CSR 23-3.100; 6/1/01, 11/1/01

Keep Your Copies of the *Missouri Register* Organized in Easy-To-Use Binders



Matt Blunt
Secretary of State
**MISSOURI
REGISTER**

\$7.50 each

Requires two binders per volume.

ORDER FORM

☐ Enclosed is my check for \$_____ for _____ *Missouri Register* Binders.
(\$7.50 for each binder) (No. of binders)

Make checks payable to Director of Revenue.

Mail to: Matt Blunt
Secretary of State
Administrative Rules Division
PO Box 1767
Jefferson City, MO 65102

Name or Firm (Please Type or Print)

Attn:

Send by UPS or Street Address

City

State

Zip Code

The *official*
source of
information on
Missouri state
regulations



PUBLISHED SEMI-MONTHLY — \$56⁰⁰ PER YEAR

ORDER FORM

- ☐ Enclosed is my check for \$56 as payment in advance for one year of the *Missouri Register*
Please start my subscription with the _____ issue.
- ☐ Enclosed is my check for \$330 for the *Code of State Regulations*
- ☐ This is a subscription renewal

Please make checks payable to: **Director of Revenue**

Mail to: **Matt Blunt**
Secretary of State
Administrative Rules Division
PO Box 1767
Jefferson City, MO 65102

name or firm (please type or print)

attn:

PO box number

street address

city

state

zip

BEFORE YOU MOVE

. . . please let us know!

To be sure that you do not miss any issues of your *Missouri Register* subscription, please notify us at least four weeks before you move to your new address.

1. Present address

Attach address label from a recent issue, or print name and address exactly as shown on the label.

Name

Address

City State Zip

2. Fill in new address

Name

Address

City State Zip

11/01/01

Matt Blunt

Secretary of State
PO Box 1767
Jefferson City, MO 65102

Periodical
Postage Paid at
Jefferson City,
MO